APHC010591572026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3504]

(Special Original Jurisdiction)

THURSDAY, THE 19th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9958/2026

Between:

1. DUNGA SRIDEVI, D/O. KATTA RAMANA, AGED ABOUT 34 YEARS R/O. DR NO- 7-109, S.C COLONY,SRI POLAMAMBA TEMPLE, RYSHIKONDA, NEAR- GITAM ENGINEERING COLLEGE, VISAKHAPATNAM.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, ,REP. BY PUBLIC PROSECUTOR, HIGH COURT OF A.P., AMARAVATHI, GUNTUR D.T.

2. G UMA MAHESWARARAO, ,S/O. NOT KNOWN TO THE PETITIONER, O/O. DWARAKA PS., SEETHAMMADHARA, VISAKHAPATNAM COMMISSIONERATE DISTRICT

...RESPONDENT/COMPLAINANT(S):

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of grounds of Criminal Petition, the High Court to quash the entire proceedings in FIR No.101/2026 of the Dwaraka Police Station commissioners Visakhapatnam

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of

Grounds of Criminal Petition, the High Court may be pleased dispense with filing of certified copy of FIR No. 101 of 2026 of Dwaraka Police Station, Commissionerate Visakhapatnam District.,

IA NO: 2 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased grant stay of all further proceedings including arrest of the Petitioner/Accused 1 in FIR No. 101/2026 of Dwarka Police Station, Commissionerate Visakhapatnam District pending disposal of the main Criminal Petition

Counsel for the Petitioner/accused:

1. PAVAN KUMAR PASUPULETI

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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The Court made the following Order:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein (A1), seeking to quash the proceedings in FIR in Crime No.101 of 2026 of Dwaraka Police Station, Visakhapatnam Commissionerate District for the offences punishable under Section 3(1), 4(1), 5(1)(a) of the Immoral Traffic (Prevention) Act, 1956.

2. Learned counsel for the petitioner submits that, he has taken notice on respondent No.2 and filed a memo of proof of service to that effect.

3. Despite service of notice, none represented respondent No.2.

4. Learned counsel for the petitioner, after arguing for some time, has confined his argument to the extent of protecting the petitioner herein from the police on the ground that the offences alleged are punishable with imprisonment of less than seven (07) years and prays this Court to direct the police to follow the

procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. On the other hand, learned Assistant Public Prosecutor did not oppose the same and concurred with the submission made by the learned counsel for the petitioner for the reason that the offences alleged are punishable with imprisonment of less than seven years.

6. Heard. Perused the entire available material on record.

7. Since the offences alleged in FIR in Crime No.101 of 2026 of Dwaraka Police Station, Visakhapatnam Commissionerate District are punishable with imprisonment of less than seven years and in view of the no objection expressed by the Assistant Public Prosecutor, this Court directs the respondent/police to follow the procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 41A Cr.P.C., scrupulously as per the guidelines enunciated in ***Arnesh Kumar vs. State of Bihar and another***[1]**,** which was reiterated in the judgment of the Hon'ble Apex Court in ***Satendar Kumar Antil vs. Central Bureau of Investigation and***

[1] (2014) 8 SCC 273

Another[2] in FIR in Crime No.101 of 2026 of Dwaraka Police Station, Visakhapatnam Commissionerate District.

8. If it is noticed in the course of investigation that the petitioner has committed any offence which is punishable with imprisonment beyond seven years, the investigating officer is at liberty to proceed in accordance with law.

9. Accordingly, this Criminal Petition is disposed of.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 19.11.2026
RMR

[2] 2026 SCC OnLine SC 162

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Date: 19.11.2026

RMR