APHC010616412026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY, THE 19th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 10374 OF 2026

Between:

1. Nakka Veera Reddy, S/o Pothu Raju Reddy, aged about 42 years.Agriculture and elected Member of Mandal Parishad Territorial Constituency MPTC, Pandurangapuram MPTC,Bapatla Mandal, R/o D.No. 2-63, Panduranga Puram, Adivi,Bapatia Mandal, Bapatla District

...PETITIONER/ACCUSED

AND

1. The State of Andhra Pradesh, represented by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati, through the Station House Officer, Bapatla Rural Police Station, Bapatla District

2. Komatia Sudhakar Reddy, S/o Nagabhushanam, aged about 37 years, Auto Driver, R/o Kothavadarevu Village, Bapatla Mandal, Bapatla District

...RESPONDENT/COMPLAINANTs

Petition under Section 437/438/439/482 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 quash the proceedings against the Petitioner / Accused No. 12 in Crime No. 135 of 2026, dated 08,11.2026 of Bapatla Rural Police Station, Bapatla District, registered for the offences under Sections 126(2), 115(2), 118(2), 351(3), 79, 61(2) and 49 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending on the file of the Court of the learned Additional Junior Civil Judge, Bapatla,

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 to dispense with the proceedings in Crime No. 135 of 2026, dated 08.11.2026 of Bapatla Rural Police Station, Bapatla District Pending disposal of the petition for quashing

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 stay all further proceedings, including the arrest of the Petitioner / Accused No. 12, in Crime No. 135 of 2026, dated 08.11.2026 of Bapatla Rural Police Station; Bapatla District, and direct the 1®* Respondent not to take any coercive steps against the Petitioner, so as to enable the Petitioner to attend and vote at the special meeting of the Mandal Praja Parishad, Bapatla, convened on 19.11.2026, pending disposal of the above Criminal Petition

Counsel for the Petitioner/accused: Sudharsana Reddy J

Counsel for the Respondent/complainants: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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ORDER:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein (A12), seeking to quash the proceedings in FIR in Crime No.135 of 2026 of Bapatla Rural Police Station, Bapatla District, for the offences punishable under Sections 126(2), 118(1), 351(3) & 79 read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023.

2. Heard Sri Ponnavolu Sudhakar Reddy, learned Senior Counsel, assisted by Sri J.Sudharsana Reddy, learned counsel for the petitioner and learned Assistant Public Prosecutor, appearing for the Respondent No.1-State.

3. Learned counsel for the petitioner submits that petitioner (A12) is an elected member of Mandal Parishad Territorial Constituency MPTC, Pandurangapuram. He states that the petitioner's name was subsequently added to the impugned FIR basing on the confession statement of co-accused, solely because of political enmity. He further states that thereafter, Police added Section 118(2) BNS, which is not amendable to Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. Learned Senior Counsel vociferously submits that petitioner is an elected member of MPTC and is

going to vote in the MPP election, which is scheduled to be conducted on today i.e., 19.11.2026, at 10.30 AM.

4. Sri K. Sandeep, learned Assistant Public Prosecutor submits that basing on the wound certificate as well as confession statement of co-accused, police rightly added Section 118(2) BNS and he fairly submits that in view of the elections, concerned Police will not arrest the petitioner (A12) in F.I.R. in Crime No.135 of 2026 of Bapatla Rural Police Station, Bapatla District, till completion of the MPP Elections and counting i.e., 22.11.2026. Learned Assistant Public Prosecutor further prays to impose a condition that the petitioner shall cooperate with the investigation and shall not indulge in any offence.

5. Though the right to vote or contest an Election is not enumerated in our Constitution as a fundamental right, it is recognised as a statutory right subject to applicable Rules and the same was enunciated in dictums of Apex Court in ***N.P. Ponnuswami vs. Returning Officer, Namakkal Constituency***[1], **Jyoti *Basu v. Debi Ghosal***[2]***, Mohan Lal Tripathi vs. District Magistrate, Rae Bareilly***[3] and ***Supreme Court Bar Association v. B.D.Kaushik***[4]***.***

6. Recently, in ***Vishwanath Pratap Singh v. Election Commission of India &Anr***[5] and in ***Ram Chandra Choudary & Ors v. Roop Nagar Dugdh***

[1]1952 (1) SCC 94
[2](1982) 1 SCC 691
[3] (1992) 4 SCC 80
[4](2011) 13 SCC 774
[5] 2022 Live Law (SC) 758

Utpadak Shakari Samiti Limited and Others[6], Apex Court, in its unequivocal words, held that the right to contest an election is neither a fundamental right nor a common-law right, but a statutory right subject to the qualifications and restrictions prescribed by the law.

7. Therefore, the right to vote and contest elections is an important aspect of democratic governance, enabling eligible citizens to participate in the electoral process.

8. Having regard to the inherent powers conferred upon this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which are intended to prevent abuse of the process of any Court, and secure the ends of justice and in view of the submission made by learned Assistant Public Prosecutor, that the police will not arrest the petitioner (A12) in F.I.R. in Crime No.135 of 2026 of Bapatla Rural Police Station, Bapatla District, till completion of the MPP Elections and counting i.e., 22.11.2026, instant Criminal Petition is disposed of directing the respondent-police not to take any coercive steps against the petitioner (A12) in F.I.R. in Crime No.135 of 2026 of Bapatla Rural Police Station, Bapatla District, for a period of four days, from today. Petitioner is at liberty to the petitioner to exhaust his available remedies, as per the law.

9. Petitioner shall cooperate with the investigation and shall not be involved in any offence.

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[6] 2026 Live Law (SC) 361

10. Learned Assistant Public Prosecutor shall forthwith communicate the gist of this Order to the concerned, for effective compliance.

As a sequel, interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 19.11.2026
Note: Issue CC by 19.11.2026
B/o. PSA

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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