APHC010623412026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

MONDAY, THE 23rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 10487 OF 2026

Between:

1. Bellam Praveen Kumar Reddy, S/o. Bellam Veda Moorthy Reddy, A1Aged about 52 years, Occ. Business, Resident of Chakrayapeta, Chakrayapeta Mandal, YSR Kadapa District.

2. Bojja Obula Subba Reddy, S/o. Bojja Obul Reddy, A2, aged about 46 years, Occ. Business, Resident of Marellamadaka, Kondavandlapalli,Chakrayapeta Mandal, YSR Kadapa District.

3. Teluru Bala Obullesu, S/o. Teluru Ramulaiah, A3, aged about 38 years, Occ. Business, Resident of H.No. 3/29, Ganidikovvur Colony, Gandikovvur, Chakrayapeta Mandal, YSR Kadapa District.

4. Lomdala Ramanjaneya Reddy, S/o. Yoganjaneya Reddy, A4, aged about 39 years. Resident of H.No.1-5A, Marellamadaka, Chakrayapeta Mandal, YSR Kadapa District.

5. Bojja Padmayogan Reddy, S/o. Bojja Obula Reddy, A5, aged about 57 years, Occ. Agriculture, R/o Marellamadaka, Kondavandlapalli, Chakrayapeta Mandal, YSR Kadapa District.

6. Lomada Yoganjaneya Reddy, S/o. Lomda Nagi Reddy, A6, aged about 69 years, Occ. Agriculture, R/o D.No. 1/5 A, Marellamadakam, Kondavandlapalli, Chakrayapeta Mandal, YSR Kadapa District.

7. Chilevli Narshimulu, S/o. Kadariah, A7Aged about 46 years, Occ. Agriculture, R/o Marellamadaka, Kondavandlapalli, Chakrayapeta Mandal, YSR Kadapa District

8. Mekala Subbarayudu, S/o. Mekala Peddaramaiah, A8Aged about 52 years, Occ. Business, R/o., Mekala Pedharamaiah, Marellamadaka, Chakrayapet, Kondavandlapalli, YSR Kadapa District

9. Sareddy Nagabushana Reddy, S/o. Sareddy Subbareddy, A9Aged about 40 years, Occ Business R/o., Marellamadaka, Chakrayapet, Kondavandlapalli, YSR Kadapa District.

10. Malliboyina Bala Krishna, S/o. Malliboyina Bala Gurraiah, A10Aged about 45 years, Occ. Business, R/o., Mallika vandal Palli, Surabhi Mandal,YSR Kadapa District.

11. Vurumindi Subbaiah alias Urimindi Subbaiah, S/o. V. Ramaiah, AllAged about 55 years, Occ. Agriculturalist, R/o., Gajulapeta, Surabhi Mandal,YSR Kadapa District

12. M Venkata Subbaiah, S/o. Chinna Ramaiah, A12 Aged about 43 years, Occ. Agriculturist, Resident of Devaraguttapalli, Nersupalli,Chakrayapeta Mandal, YSR Kadapa District.

13. P Sabhapathi Naidu, S/o. Chinnama Naidu, A13Aged about 45 years, Occ. Agriculture, Resident of Siddavandlapalli, Kallurupalli, YSR Kadapa District.

...PETITIONER/ACCUSEDs

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor High Court of Andhra Pradesh At Amaravati.

2. Kamalapuram Vara Prasad Reddy, S/o. Lakshminarayana Reddy aged about 23 years. Resident of Marellamadaka Village, Chakrayapeta Mandal, YSR Kadapa 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 call for the records in FIR No. 87 of 2026, dated 18.11.2026 of Chakrayapeta Police Station, YSR Kadapa District and quash the same so far as the petitioners are concerned.

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 the filing of the certified copy of FIR No. 87 of 2026, dated 18.11.2026 of Chakrayapeta Police Station, YSR Kadapa 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 stay the investigation including the arrest of the petitioners in FIR No. 87 of 2026, dated 18.11.2026 of Chakrayapeta Police Station, YSR Kadapa District, pending disposal of present Criminal Petition before this Hon'ble Court.

Counsel for the Petitioner/accused: VARADAM SAI LIKHITH

Counsel for the Respondent/complainants: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION No: 10487 OF 2026

ORDER:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioners herein (A1 to A13), seeking to quash the proceedings in FIR in Crime No.87 of 2026 of Chekrayapet Police Station, YSR Kadapa District, for the offences punishable under Sections 118(1), 109(1) and 324(4) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Sri. T.Nagarjuna Reddy, learned Senior Counsel assisted by Sri V.Sai Likhith, learned counsel for the petitioners and learned Assistant Public Prosecutor, appearing for the Respondent No.1-State.

3. Learned counsel for the petitioners submits that the wife of petitioner No.2 (A2) is contesting for the post of Sarpanch, Marellamadaka Village, Kondavandlapalli, Chakrayapeta Mandal, YSR Kadapa District, petitioner No.11 (A11) is a contesting candidate for the post of Sarpanch, Gajulapeta Village, Surabhi Gram Panchayat. Remaining petitioner Nos.1, 3 to 10, and 12 & 13 (A1, A3 to A10 and A12 & A13) are distant relatives of petitioner Nos.2 and 11. At last, learned counsel prays this Court that, in view of the urgency, rights of the petitioners may be protected for a limited period i.e., till conclusion of the election process.

4. Sri K. Sandeep, learned Assistant Public Prosecutor, submits that basing on the material available on record, the respondent-police have

arrayed the petitioners as accused, and he fairly submits that, in view of the elections, the concerned Police will not arrest the petitioners (A1 to A13) in FIR in Crime No.87 of 2026 of Chekrayapet Police Station, YSR Kadapa District, till completion of the Elections and counting i.e., 01.12.2026. Learned Assistant Public Prosecutor further prays to impose a condition that the petitioners 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 the 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 Utpadak Shakari Samiti Limited and Others***[6], Apex Court, in its unequivocal words, held that the right to vote and 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.

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[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
[6] 2026 Live Law (SC) 361

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 FIR in Crime No.87 of 2026 of Chekrayapet Police Station, YSR Kadapa District, till completion of the Elections and counting i.e., 01.12.2026, instant Criminal Petition is disposed of directing the respondent-police not to take any coercive steps against the petitioners (A1 to A13) in FIR in Crime No.87 of 2026 of Chekrayapet Police Station, YSR Kadapa District, till 01.12.2026. Petitioners are at liberty to exhaust their available remedies, as per the law.

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

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: 23.11.2026
Note: Issue CC by 23.11.2026
B/o. PSA