

[3396]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 1043 OF 2026

Between:

Ambati Rambabu, S/o Late Sri A.V.S.R Anjaneyulu, aged about 68 Years,
Ex. Minister, R/o D.No. 4-20-28/2, 1st Lane, Siddhartha Nagar, Guntur City,
Guntur District.

Petitioner/Accused

AND

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

Respondent

2. Cheedarla Mallikarjuna, S/o Malakondaiah, aged about 45 years,
Resident of Duttalur Village and Mandal, SPSR Nellore District, Andhra
Pradesh.

Respondent/De-facto Complainant

WHEREAS the Petitioner/Accused above named through his Advocate Sri Sudharsana Reddy J presented this Petition under Section 528 OF BNSS, is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to exercise its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and quash the impugned FIR in Crime No. 03 of 2026 dated 01.02.2026 on the file of Duttaluru Police Station, SPSR Nellore District, and all consequential proceedings arising therefrom.

AND WHEREAS the High Court upon perusing the petition and affidavit/memorandum of grounds filed herein and upon hearing the arguments of Sri Sudharsana Reddy J Advocate for the Petitioner and of Assistant Public Prosecutor for the Respondent No.1, directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Cheedarla Mallikarjuna, S/o Malakondaiah, aged about 45 years, Resident of Duttalur Village and Mandal, SPSR Nellore District, Andhra Pradesh. are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, on or before 02.03.2026, on which date the case stands posted for hearing.

IA NO: 2 OF 2026

Petition under Section 528 of BNSS previously U/s 482 of Cr.P.C, is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to grant stay all further proceedings, including investigation and any coercive steps, pursuant to the impugned FIR in Crime No. 03 of 2026 dated 01.02.2026 on the file of Duttaluru Police Station, SPSR Nellore District, pending disposal of CRLP No. 1043 of 2026, on the file of the High Court.

The Court made the following: ORDER

Heard the learned counsel for the Petitioner.

Learned Assistant Public Prosecutor takes notice for the State.

Learned counsel for the Petitioner would submit that all the offences are punishable below seven years of imprisonment and a direction may be given to the Police to follow the guidelines issued by Hon'ble Apex Court in *Arnesh Kumar v. State of Bihar*¹ reported in (2014)

¹ (2014) 8 SCC 273

8 SCC 273, since Section 35(3) of BNSS is pari materia to Section 41-A of the Code of Criminal Procedure.

Learned Assistant Public Prosecutor fairly conceded the same and would submit that a direction may be given to the Police to follow the procedure as established under Section 35(3) of BNSS since the offences are punishable with an imprisonment of below seven years.

In that view, the Police are directed to follow the guidelines issued by the Hon'ble Apex Court in *Arnesh Kumar v. State of Bihar* (referred supra) scrupulously.

Issue notice to Respondent No.2.

Learned counsel for the Petitioner is permitted to take out personal notice on Respondent No.2 through Speed Post/Courier and file proof of the same.

List the matter on 02.03.2026.

//TRUE COPY//

SD/- B.PRASAD RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The SHO, Duttaluru Police Station, SPSR Nellore District
2. Cheedarla Mallikarjuna, S/o Malakondaiah, aged about 45 years, Resident of Duttalur Village and Mandal, SPSR Nellore District, Andhra Pradesh. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. Sudharsana Reddy J, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
5. One spare copy

KSR

HIGH COURT

DR.VJP,J

DATED:09/02/2026

LIST THE MATTER ON 02.03.2026

NOTICE BEFORE ADMISSION

CRLP.No.1043 of 2026

DIRECTION

