

[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: 1028 OF 2026

Between:

Ambati Rambabu, S/o Late Sri A.V.S.R Anjaneyulu, aged about 66 Years, Ex. Minister, R/o D.No. 4-20-28/2, 1st Lane, Siddartha Nagar, Guntur City, Guntur District.

Petitioner/Accused

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati
2. The Station House Officer, Rayavaram Police Station, East Godavari District.

Respondents/Complainant

3. Koteswara Rao Devishetty, S/o Satyanarayana Murthi Aged about 48 years, Rayavaram Village and Mandal, B .R. Ambedkar Konaseema District, Andhra Pradesh. (De-facto Complainant)

Respondent/Complainant

WHEREAS the Petitioner/Accused above named through his Advocate SRI R YELLA REDDY presented this Petition under Section 482 of Criminal Procedure code/ Section 528 of BNSS praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to quash the impugned First Information Report bearing Crime No. 15 of 2026 dated 01-02-2026 and all consequential proceedings registered against the Petitioner under 196(1), 352 and 79 of the Bharatiya Nyaya Simhita, 2023, on the file of the Rayavaram Police Station,

East Godavari District as the same arise out of the very same transaction and cause of action which had already culminated in registration of an earlier crime, arrest of the Petitioner and his judicial remand, and as the statutory ingredients of the said offences are wholly absent,

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri R YELLA REDDY Advocate for the Petitioner, ASSISTANT PUBLIC PROSECUTOR for the Respondent Nos.1 & 2, directed issue of notice to the Respondent No.3 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Koteswara Rao Devishetty, S/o Satyanarayana Murthi Aged about 48 years, Rayavaram Village and Mandal, B .R. Ambedkar Konaseema District, Andhra Pradesh. (De-facto Complainant)

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 memorandum of grounds filed therewith(copy enclosed) this **CRIMINAL PETITION** should not be admitted on or before 02.03.2026 to which date the case stands posted for hearing.

IA NO: 2 OF 2026

Petition under Section 482 of Criminal Procedure code/ Section 528 of BNSS is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings, including investigation and any coercive steps, in the impugned First Information Report bearing Crime No. 15 of 2026 dated 01-02-2026 registered against the Petitioner under 196(1), 352 and 79 of the Bharatiya Nyaya Sanhita, 2023, on the file of the Rayavaram Police Station, East Godavari District, and restrain the respondent police from taking any

further action pursuant thereto, pending disposal of CRLP No. 1028 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 Bihar¹ reported in (2014) 8 SCC 273, since Section 35(3) of BNSS is pari material 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.3.

Learned counsel for the Petitioner is permitted to take out personal notice on Respondent No.3 through Speed Post/Courier and file proof of the same.

List the matter on 02.03.2026.”

SD/-N.NAGAMMA

ASSISTANT REGISTRAR

//TRUE COPY//


For ASSISTANT REGISTRAR

To,

¹ (2014) 8 SCC 273

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1. The Station House Officer, Rayavaram Police Station, East Godavari District.
 2. Koteswara Rao Devishetty, S/o Satyanarayana Murthi Aged about 48 years, Rayavaram Village and Mandal, B .R. Ambedkar Konaseema District, Andhra Pradesh. (De-facto Complainant) (by RPAD- along with a copy of petition and memorandum of grounds)
 3. One CC to SRI. R YELLA REDDY Advocate [OPUC]
 4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
 5. **One spare copy**

HIGH COURT

DR.VJP,J

DATED:09/02/2026

LIST THE MATTER ON 02.03.2026

NOTICE BEFORE ADMISSION

CRLP.No.1028 of 2026

DIRECTION

