



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3521]

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 1170/2026

Between:

1. NALLAPANENI SAI HEMANTH KUMAR,, S/O. RAMESH KUMAR, AGED 32, R/O. DOOR NO. 26/2/9, 2ND LANE, RITHIWK ENCLAVE, A K NAGAR, NELLORE.
2. NALLAPANENI RAMESH KUMAR,, S/O. BALAYYA, AGED 60 , R/O. DOOR NO. 26/2/9, 2ND LANE, RITHIWK ENCLAVE, A K NAGAR, NELLORE.
3. NALLAPANENI SREE LAKSHMI,, W/O. RAMESH KUMAR, AGED 53, R/O. DOOR NO. 26/2/9, 2ND LANE, RITHIWK ENCLAVE, A K NAGAR, NELLORE.
4. NALLAPANENI POOJITHA CHOWDARY ALIAS PUJA CHOWDARY,, D/O. RAMESH KUMAR, AGED 27, OCC. ONCO-RADIOLOGY, R/O. DOOR NO. 26/2/9, 2ND LANE, RITHIWK ENCLAVE, A K NAGAR, NELLORE. PRESENTLY WORKING AT BANGLORE, KARNATAKA.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, (SHO DUVVADA PS, VISAKHAPATNAM CITY) REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P., AMARAVATI.
2. JYESHTA HEMA NIKHILA ALIAS HEMA CHOWDARY, W/O N. SAI HEMANTH KUMAR, D/O JYESHTA AYODHYA RAMU, AGED 28, OCC. ADVOCATE PRACTICING AT VISAKHAPATNAM, R/O. D. NO. 31-51-5, FLAT NO. 403, GREEN CITY HEIGHTS, PALM STREET,

VISAKHAPATNAM (RURAL), VISAKHAPATNAM DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

P SAI SURYA TEJA

Counsel for the Respondent/complainant(S):

PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.)/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), seeking to set aside/quash the docket order dated 29.01.2026 passed in C.C.No.436 of 2025 on the file of the learned Additional Civil Judge (Senior Division)-cum-Additional Chief Judicial Magistrate, Gajuwaka, in issuing Non-Bailable Warrants against the petitioners/Accused Nos.1 to 4.

2. Heard Sri Posani Venkateswarlu, the learned Senior Counsel, representing Mr. P. Sai Surya Teja, the learned counsel for the petitioners, and the learned Assistant Public Prosecutor. Perused the record.

3. On perusal of the record, the petitioners/Accused Nos.1 to 4 in C.C.No.436 of 2025 are charged for the alleged offences punishable under Sections 498-A, 354(c), 323 and 506 read with Section 34 of the Indian Penal Code, 1860 (for brevity 'the IPC') and Sections 3 and 4 of the Dowry

Prohibition Act, 1961. In spite of service of summons on the petitioners through WhatsApp, they did not choose to appear before the learned Trial Court.

4. The Hon'ble Supreme Court, in **Satender Kumar Antil v. Central Bureau of Investigation**¹, has held at paragraph No.43 as under:

43. Hence, when viewed from any lens, we are unable to convince ourselves that electronic communication is a valid mode of service of notice under Section 35 of the BNSS, 2023, since its conscious omission is a clear manifestation of the legislative intent. Introducing a procedure into Section 35 of the BNSS, 2023, that has not been specifically provided for by the Legislature, would be violative of its intent.

5. The Hon'ble Apex Court in **Satender Kumar Antil** has categorically held that summons on the accused should not be served through WhatsApp. In that view of the matter, the Non-Bailable Warrants issued against the petitioners are hereby recalled/cancelled. However, the petitioners shall appear before the jurisdictional Magistrate on the next date of hearing, i.e., 07.05.2026.

6. With the above observation, the Criminal Petition is disposed of, dispensing with the presence of the petitioners/Accused Nos.1 to 4 unless their presence is specifically required by the learned Trial Court. This direction shall come into force after the appearance of the petitioners/Accused Nos.1 to 4 on 07.05.2026. In case the Presiding Officer

¹ Special Leave Petition (Crl.) No.5191 of 2021, dated 15.01.2026

is not holding Court on 07.05.2026, the petitioners/Accused Nos.1 to 4 shall appear on the next date of hearing as notified by the Trial Court.

7. In the result, the Criminal Petition is disposed of.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 16.02.2026
RSI

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 1170 of 2026

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RSI