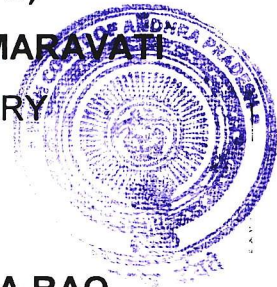


[3521]

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



:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO
CRIMINAL PETITION NO: 1232 OF 2026

Between:

Challa Sreelakshmi, aged about 42 years, W/o. Late Challa Bhageeratha Reddy, R/o. H.No.2-45, Raja Street, Owk Village and Mandal, Nandyal District -518122

Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati, Through the Station House Officer, Owk Police Station, Nandyal District - 518122
2. Challa Vigneswara Reddy, Aged about 53 years, S/o. Late Challa Ramakrishna Reddy, R/o. H.No. 2-45, Challa Bhavan, Raja Street, Owk Village and Mandal, Nandyal District - 518122.

Respondent/De-facto Complainant

WHEREAS the Petitioner/Accused above named through her Advocate SRI THATHIREDDY ASHOK SRIVASTAVA presented this 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 Criminal Petition, the High Court may be pleased to quash order dated 12.01.2026 in CFR No. 682 of 2025 passed by the learned Judicial Magistrate of First Class, Banaganapalle against the Petitioner.

AND WHEREAS the High Court upon perusing the petition and affidavit/memorandum of grounds filed herein and upon hearing the arguments of Sri THATHIREDDY ASHOK SRIVASTAVA Advocate for the

Petitioner, and of 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:

1. Challa Vigneswara Reddy, Aged about 53 years, S/o. Late Challa Ramakrishna Reddy, R/o. H.No. 2-45, Challa Bhavan, Raja Street, Owk Village and Mandal, Nandyal District - 518122.

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 within eight weeks.

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 stay the operation of the order dated 12.01.2026 in CFR No. 682 of 2025 passed by the learned Judicial Magistrate of First Class, Banaganapalle, pending disposal of CRLP No. 1232 of 2026, on the file of the High Court.

The Court made the following: ORDER

Heard both the learned Counsel.

Issue notice to the Respondent No.2.

The learned counsel for the Petitioner is permitted to take out personal notice on Respondent No.2 and file proof to that effect.

The order dated 12.01.2026 does not reflect the directions issued by the Hon'ble Apex Court in Priyanka Srivastava v.State of U.P¹ and also the procedure contemplated under section 175 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023², has not been followed in letter and spirit, thereby rendering it invalid.

¹ (2015) 6 SCC 287

² 'the BNSS'

The Hon'ble Apex court in Om Prakash Ambadkar v.State of Maharastra³ at paragraph No.34, it is observed that in order to curb misuse of the powers of a Magistrate at the behest of certain unscrupulous litigants for achieving ulterior motives, invocation under Section 175(3) of 'the BNSS' was introduced.

Considering the facts and circumstances of the case, there shall be a stay of all further proceedings in C.F.R.No.682 of 2025, including registration of any crime pursuant to the directions given on 12.01.2026 in C.F.R. No. 682 of 2025 by the learned Judicial Magistrate of First Class, Banaganapalle, until the next date of hearing.

The Station House Officer, Owk Police Station, shall not proceed further.

Post the matter after eight weeks.

Sd/-G.HELNA NAIDU
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Station House Officer, Owk Police Station, Nandyal District - 518122
2. Challa Vigneswara Reddy, Aged about 53 years, S/o. Late Challa Ramakrishna Reddy, R/o. H.No. 2-45, Challa Bhavan, Raja Street, Owk Village and Mandal, Nandyal District - 518122. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. THATHIREDDY ASHOK SRIVASTAVA, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
5. One spare copy

ADP

HIGH COURT

DR.YLR,J

DATED:16/02/2026

POST THE MATTER AFTER EIGHT WEEKS

NOTICE BEFORE ADMISSION

CRLP.No.1232 of 2026

STAY

