

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**TUESDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

HONOURABLE SRI JUSTICE HARINATH.N



CRIMINAL PETITION No.2890 of 2025

Between:

Choudari Appalanaidu, S/o. Sanyasinaidu, Aged about 60 years, R/o.
D.No.5-3-69/4, Sai Nagar, Amadalavalasa Town & Mandal, Srikakulam
District.

...PETITIONER/ACCUSED

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court Buildings, Amaravathi.
2. Ponnada Dhamarakeswara Rao, S/o.not known, R/o. Sriharipuram Village, Amadalavalasa Mandal, Srikakulam District.

...RESPONDENTS/COMPLAINANT

Petition under Section 528 of BNSS (under Section 482 of Cr.P.C) praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the FIR.No.36 of 2025 dated 16-02-2025 on the file of the Amudalavalasa Police Station, Srikakulam District.

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS (under Section 482 of Cr.P.C) praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in FIR.No.36 of 2025 dated 16-02-2025 on the file of the Amudalavalasa Police Station, Srikakulam District pending the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Raja Reddy Koneti, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following ORDER :

APHC010113502025



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

[3457]

**TUESDAY ,THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 2890/2025

Between:

Choudari Appalanaidu

...PETITIONER/ACCUSED

AND

The State Of Andhra
Pradesh and Others

...RESPONDENT/COMPLAINANT(S)

Counsel for the Petitioner/accused:

1.RAJA REDDY KONETI

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR

The Court made the following Order:

Learned counsel for the petitioner submits that the petitioner is arraigned as accused in FIR No.36 of 2025 on the file of the Amudalavalasa Police Station, Srikakulam District, for the alleged offences under Sections 351(2) and 108 read with Section 62 of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the petitioner submits that the petitioner had filed a civil suit for the recovery of an amount, and a decree for Rs. 6,30,000/- was passed by the Court after a trial.

3. It is alleged that the petitioner approached the deceased at his house and threatened the deceased. The suit for recovery against the 2nd respondent resulted in a decree for an amount of Rs.6,30,000/- after the trial.

4. It is further alleged that the petitioner went to the house of the 2nd respondent to demand the money.

5. In the statement of the deceased, it is stated that the petitioner threatened the deceased and his family members with dragging them to Court and the Police Station if the amount was not paid. On such utterances, the deceased became disturbed

and consumed poison, which led to his death. On the complaint of the 2nd respondent, the Police registered a case under Sections 351(2) and 108 read with Section 62 of the Bharatiya Nyaya Sanhita, 2023.

6. Learned counsel for the petitioner submits that, even according to the statement of the deceased, the petitioner cannot be held responsible for the actions committed by the deceased. Learned counsel for the petitioner places reliance on the judgment of this Court in CRL.P. No. 1495 of 2001, following the judgment of the Hon'ble Supreme Court in *Siya Ram vs. State of U.P.*, wherein the Hon'ble Supreme Court held that mere feeling of insult or humiliation due to comments or utterances made by the accused does not make the accused guilty of an offence under Section 306 of the IPC.

7. Considering the above, the SHO, Amudalavalasa Police Station, is directed to complete the investigation in FIR No. 36 of 2025, without taking any coercive steps against the petitioner.

8. Accordingly, the Criminal Petition is disposed of.

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

SD/- K.SRINIVASA RAJU

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Station House Officer, Amudalavalasa Police Station, Srikakulam District.
2. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh, Amaravathi [OUT]
3. One CC to Sri Raja Reddy Koneti, Advocate [OPUC]
4. Three CD Copies

TK

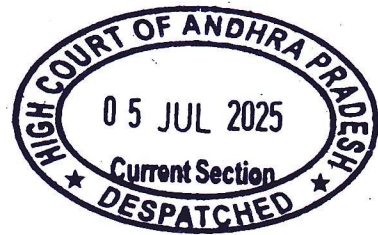
TAC

HIGH COURT

DATED:18/03/2025

ORDER

CRLP.No.2890 of 2025



DISPOSING OF THE CRIMINAL PETITION