

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: 2812 OF 2025

Between:

Kondaveeti Surendra Kumar, S/o Naga Malleswara Rao, Aged about 29 years, D.No. 9-93/1, Dhamacharlapalem, Pedakurapadu Village Mandal Palnadu district, Andhra Pradesh. (A1)

...PETITIONER / ACCUSED No.1

AND

1. The State Of Andhra Pradesh, Rep. by its Public Prosecutor, Atchampet P.S, Palnadu District.

...RESPONDENT No.1

2. Kota Brahmaiah, S/o Ramaiah, Aged about 40 years, Near Union bank, Rentapalla Post, Sattenapalli Mandal, Palnadu District.

...RESPONDENT No.2 / DEFACTO COMPLAINANT

Petition under Section 528 of BNSS, praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in FIR. No. 53/2023 dated 26-05-2023 on the file of Atchampet Police Station, Palnadu District, State of Andhra Pradesh

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS, praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with the filing of the certified Copy of FIR. No. 53/2023 dated 26-05-2023 on the file of Atchampet Police Station, Palnadu District, State of Andhra Pradesh and certified copy of complaint

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS, 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. 53/2023 dated 26-05-2023 on the file of Atchampet Police Station, Palnadu District, State of Andhra Pradesh and direct the Police officials to issue Notice u/s 41A of Code of Criminal Procedure, 1973 to the petitioner herein

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Souri Babu Duppati, Advocate for the Petitioner and the Public Prosecutor (AP) on behalf of the Respondent No.1

The Court made the following ORDER :



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

[3457]

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

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THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 2812/2025

Between:

Kondaveeti Surendra Kumar

...PETITIONER/ACCUSED

AND

**The State Of Andhra Pradesh and
Others**

...RESPONDENT/COMPLAINANT(S)

Counsel for the Petitioner/accused:

1. SOURI BABU DUPPATI

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

THE HON'BLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION No.2812 OF 2025

ORDER:

1. Heard the learned counsel for the petitioner.
2. The learned counsel for the petitioner submits that the petitioner was arraigned as A.1 in Crime No.53 of 2023 of Atchampet Police Station, Palnadu District, registered for the alleged offence under Section 324 read with Section 34 of the Indian Penal Code, 1860.
3. It is alleged in the complaint that the petitioner, along with others, quarreled with the de facto complainant and others and beat them. The learned counsel submits that the petitioner has no acquaintance with the 2nd respondent/ de facto complainant, and he was falsely implicated in this case. The learned counsel further submits that the offences alleged against the petitioner are punishable below 7 years and, therefore, seeks a direction to the police to follow the procedure provided under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
4. Considering the submissions of the learned counsel for the petitioner, the Investigating Officer/ Station House Officer, Atchampet Police Station, Palnadu District, is directed to follow the procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the purpose of investigation in connection with Crime No.53 of 2023, insofar as the petitioner is concerned.

5. Accordingly, the criminal petition is disposed off.

6. Miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

SD/- K.KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Atchampet Police Station, Palnadu District
2. One CC to Sri Souru Babu Duppati, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh at Amaravathi. [OUT]
4. Three CD Copies

MV

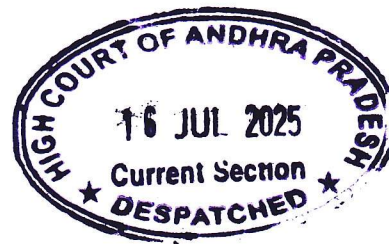
TAC

HIGH COURT

DATED: 18/03/2025

ORDER

CRLP.No.2812 of 2025



DISPOSING OFF THE CRLP