



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)**

**WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 2908/2023

Between:

Vanapalli Posi

...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh **...RESPONDENT/COMPLAINANT**

Counsel for the Petitioner/accused:

1.KAKUMANU JOJI AMRUTHA RAJU

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR (AP)

The Court made the following Order:

1. The learned counsel for the petitioner submits that the petitioner is arraigned as an accused in Crime No.29 of 2025, for the alleged offence under Sections 329(3) and 351(2) of the BNS on the file of the Vetapalem Police Station, Bapatla District.
2. The learned counsel for the petitioner submits that the petitioner is in possession of property over which the 2nd respondent had filed a suit for injunction against the third parties, which was dismissed. The appeal preferred by the 2nd petitioner, along with other appellants therein, was also dismissed by the appellant court.
3. The learned counsel for the petitioner submits that since the 2nd respondent was not in possession of the property, the 2nd respondent could not file a complaint of trespass against the petitioner for the alleged offence.
4. Considering the allegations against the petitioner and the punishment for the said offence being below seven years, the Station House Officer, Vetapalem Police Station, Bapatla District, is directed to follow the procedure as contemplated under Section 35(3) of the BNSS for the purpose of investigation.
5. Accordingly, the Criminal Petition is disposed off.

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

Date: 19.03.2025
NKA

JUSTICE HARINATH.N

75

HONOURABLE SRI JUSTICE HARINATH.N**Criminal Petition No.2908 of 2025****Date: 19.03.2025***NKA*