



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

[3521]

THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 3379/2025

Between:

MIRIYALA SRINIVASA RAO, S/O SURYA NARAYANA, AGE 26 YRS,
R/O D.NO.70-2-25/1, NEAR VSM SCHOOL, PATAMATA,
VIJAYAWADA. NTR DISTRICT.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, Through Station House Officer,
Governorpet Police Station, Rep. by its Public Prosecutor, High Court of
Andhra Pradesh at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

AISHWARYA NAGULA

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition is 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 quash the proceedings against the petitioner/Accused No.2 in C.C.No.1710 of 2021 on the file of the learned III Additional Chief Metropolitan Magistrate Court, Vijayawada, NTR District.

2. Heard the learned counsel for Petitioner and the learned Assistant Public Prosecutor.

3. Ms. Aishwarya Nagula, learned counsel for the petitioner, submits that the respondent police, without conducting any proper investigation, mechanically registered a *suo-moto* case and falsely arrayed the petitioner as A-2, though he had no involvement in the alleged offence. She further submits that the petitioner is a permanent resident of Vijayawada, studied Diploma in Civil Engineering, and is presently unemployed. It is further submitted that the case was registered *suo-moto* by the police and no complaint was lodged by any person against the petitioner.

4. The learned counsel for the petitioner further submits that the registration of the case under Section 53 of the Disaster Management Act (for brevity, 'the Act') is illegal in view of the bar under Sections 59 and 60 of 'the Act', as no complaint or sanction was obtained from the competent authority.

She further submits that the entire case is based only on the alleged confessional statements of the accused, which are inadmissible in law under Section 25 of the Evidence Act. It is also argued that the police did not collect any independent evidence connecting the petitioner with the alleged offence. The learned counsel further submits that the ingredients of Section 420 of 'the IPC' are not attracted, as there is no allegation of cheating or dishonest inducement against the petitioner. She further submits that the alleged Remdesivir Injection was not sent for expert examination to confirm its nature. Therefore, continuation of the proceedings against the petitioner amounts to abuse of process of law and the same are liable to be quashed.

5. *Per contra*, Ms. P. Akhila Naidu, learned Assistant Public Prosecutor, submits that the respondent police registered the case based on credible information received regarding illegal sale of Remdesivir Injections during the Covid-19 pandemic. She further submits that during the raid conducted by the police, the accused persons were found in possession of Remdesivir Injection and confessed about their involvement in selling the same at higher prices. It is further submitted that the investigation revealed the participation of the petitioner along with the other accused in the commission of the offence.

6. The learned Assistant Public Prosecutor further submits that the charge sheet was filed only after completion of investigation and collection of material available on record. She further submits that the truth or otherwise of the allegations cannot be decided in a petition filed under Section 482 of 'the

Cr.P.C'. She argues that the contentions raised by the petitioner involve disputed questions of fact, which can be decided only during trial. It is also submitted that the confessional statements and mediators' report form part of the investigation material and their evidentiary value has to be examined during trial. The learned Assistant Public Prosecutor further submits that there are *prima facie* allegations against the petitioner attracting the offences alleged in the charge sheet. Therefore, she prays for dismissal of the Criminal Petition.

7. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

8. In the light of the case of the prosecution and the contentions of the learned Counsel for both the sides, now the point for consideration is:

"Whether the proceedings in C.C.No.1710 of 2021 on the file of the learned III Additional Chief Metropolitan Magistrate Court at Vijayawada, NTR District, are liable to be quashed in exercise of the inherent powers of the High Court under Section 482 of 'the Cr.P.C.,'/Section 528 of 'the BNSS'?"

9. As seen from the record, the Sub-Inspector of Police, Governorpeta Police Station, Vijayawada, registered the mediators' report as a case in FIR No.76 of 2021 of Governorpeta Police Station, took up investigation, and filed charge sheet for the alleged offences punishable under Section 420 of 'the IPC' and Section 53 of 'the Act'. It is the case of the Sub-Inspector of Police, Governorpeta Police Station, that on 29.04.2021, upon receiving credible information regarding the illegal sale of Remdesivir Injection, he secured

mediators along with police staff and proceeded to Gayatri Super Speciality Hospital. There, he noticed the petitioner and other accused persons, who allegedly confessed that they were selling Remdesivir Injections at higher prices. The investigating officer seized the alleged Remdesivir Injections under the cover of mediators' report.

10. In this connection, it is apposite to refer to Section 60 of 'the Act', which reads as under:

60. Cognizance of offences. No court shall take cognizance of an offence under this Act except on a complaint made by-
(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority [, the Urban Authority] or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or
(b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority 2[, the Urban Authority] or any other authority or officer authorised as aforesaid.

11. On a careful reading of Section 60 of 'the Act', it is clear that no Court shall take cognizance of any offence under the provisions of 'the Act' except upon a complaint made by the appropriate authority, or by any person who has given not less than thirty days' notice of his intention to make such complaint to the competent authority. In the present case, no such complaint was filed by the appropriate authority. In fact, there is no complaint as contemplated under Section 2(n) of 'the Cr.P.C'. L.W.6/Investigating Officer, after drafting the mediators' proceedings on 29.04.2021, straightaway registered the same as FIR No.76 of 2021, conducted investigation, and filed the charge sheet. Further, there was no sanction obtained from the competent

authority as mandated under Section 60 of 'the Act'. The allegation against the petitioner and other accused is that they committed offences punishable under Section 53 of 'the Act'

12. It is profitable to refer Section 53 of 'the Act', which reads as under:

Punishment for misappropriation of money or materials, etc. -
Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

13. On a careful reading of Section 53 of 'the Act', this Court is of the opinion that the ingredients of the said provision are not attracted to the allegations levelled by L.W.6 in the charge sheet. Further, the person alleged to have been cheated has neither approached the police nor any competent authority or Magistrate. Therefore, the ingredients of Section 420 of 'the IPC' are also not attracted. Moreover, importantly, the averments contained in the mediators' report dated 29.04.2021 do not disclose the ingredients constituting the offence under Section 420 of 'the IPC'.

14. A fortiori, a learned Single Judge of this Court in Crl.P.No.3555 of 2025, dated 02.04.2025, by following the earlier order passed in Crl.P.No.9542 of 2022, quashed the proceedings in similar circumstances.

15. Having regard to the entire facts and circumstances of the case, this Court is of the considered view that the proceedings in C.C.No.1710 of 2021 on the file of the learned III Additional Chief Metropolitan Magistrate Court, Vijayawada, NTR District, are liable to be quashed for the following reasons:

1. The ingredients of Section 53 of 'the Act' are not attracted to the allegations levelled by L.W.6 in the mediators' report.
2. The ingredients of Section 420 of 'the IPC' are also not made out against the petitioner.
3. There is a statutory bar under Section 60 of 'the Act' for taking cognizance of the offence punishable under Section 53 of 'the Act'.

16. For the aforesaid reasons, as no *prima facie* case is made out for the alleged offences punishable under Section 420 of 'the IPC' or Section 53 of 'the Act', continuation of the proceedings in C.C.No.1710 of 2021 on the file of the learned III Additional Chief Metropolitan Magistrate Court, Vijayawada, NTR District, amounts to abuse of process of law. Accordingly, the proceedings against the petitioner/Accused No.2 in C.C.No.1710 of 2021 on the file of the learned III Additional Chief Metropolitan Magistrate Court, Vijayawada, NTR District, are hereby quashed.

17. In the result, the Criminal Petition is allowed.

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

DR. Y. LAKSHMANA RAO, J

Date: 07.05.2026
RSI

298

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.3379 of 2025

Date: 07.05.2026

RSI