

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

MAIN CASE NO.: CrI.P.No.3651 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	29.04.2026	<u>SS, J</u> Petitioners are arrayed as accused in FIR No.50 of 2026, dated 06.04.2026 with Dargamitta UPS under Section 318 (2), 336(3), 340(2), 61(2) BNS. Learned counsel for the petitioners submits that on plain perusal of the complaint filed by the <i>de facto</i> complainant to the police. It would reveal that no allegation is substantiated in the offence as alleged. He submits that there is a civil dispute in respect of the shares of partnership. When earlier petitioners approached police authority regarding fabrication of documents, the police authority has not interfered with on the ground that the matter is pending before the civil Court. He further submits that the action of the police in registering the FIR is false and concocted thereby the same is required to be quashed. Learned Assistant Public Prosecutor submits that the investigation is still in progress. Publication by the petitioners stating that they have 50% share in partnership, may cause serious prejudice to the public in general as they are trying to dispose of disputed property.	

		Having heard the learned counsel for the parties and considering the nature of accusation, there are <i>prime facie</i> reasons to entertain the criminal petition. Accordingly, the same is admitted.	
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		The instant criminal petition cannot be deposed of without proper hearing of <i>de facto</i> complainant.	
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		Issue notice to the 2nd respondent/de facto complainant.	
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		Learned counsel for the petitioners is permitted to take out personal notice to the 2nd respondent and file proof of service in the Registry.	
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		<u>I.A.No.1 of 2026</u>	
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		This application is considered and allowed the petitioner to proceed with the instant criminal petition without filing the certified copy of Crime in FIR No.50 of 2026 of Dargamitta Urban Town Police Station, Sri Potti Sri Ramulu Nellore District.	
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		<u>I.A.Nos.2 and 3 of 2026</u>	
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		I.A.No.2 of 2026 is filed seeking direction upon the investigating agency to issue notice under Section 35(3) of BNSS during the course of investigation.	
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		I.A.No.3 of 2026 is filed for stay of all further proceedings in FIR No.50 of 2026 on the file of	
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Dargamitta Urban Police Station Station, Sri Potti
Sri Ramulu Nellore District.

Having heard the leaned counsel for the parties, it is directed that investigating authority shall follow law laid down by Hon'ble Supreme Court in ***Arnesh Kumar vs. State of Bihar*** reported in ***(2014) 8 Supreme Court Cases 273*** regarding the guidelines to the police to call the parties under Section 35(3) of BNSS notice. However, the investigating authority may proceed with investigation in accordance with law, but they shall not take any coercive action against the present petitioners until further orders.

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List the matter on 15.06.2026.

SS, J

SPP