

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No.W.P.No.13710 of 2026

PROCEEDING SHEET

Sl.No.	DATE	ORDER	Office Note
02.	15.05.2026	<p><u>BM, J</u></p> <p>The learned counsel appearing for the petitioners is permitted to take out personal notice to the unofficial respondent by SPAD and file proof of service by the next date of hearing.</p> <p>The case of the petitioners is that the petitioners are accused Nos.1 to 7, in Crime No.224 of 2022, on the file of the G. Konduru Police Station, N.T.R. District, after due investigation, the police closed the case recording the same as civil in nature. However, on 05.05.2026, a notice, under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, was issued directing the petitioners to appear before the Investigating Officer and to submit the documents and a second and final notice, dated 11.05.2026, was also issued for the same purpose, wherein it was stated referred as under:</p> <p><i>“Whereas, the case in Cr.No.224 of 2022 of G. Konduru Police Station has been registered U/s 420, 409 r/w 120-B IPC on</i></p>	

		<p><i>the basis of a private complaint filed by Smt. T. Seetha Mahalakshmi before the Hon'ble Court under Section 156(3) Cr.P.C., wherein you are arrayed as Accused No.7. The case, having been earlier referred as 'civil in nature', has now been reopened for further investigation as per orders of the Hon'ble Commissioner of Police, NTR District."</i></p> <p>It seems that as per the instructions of the Commissioner of Police, N.T.R. District, the case has been reopened and started reinvestigation into the allegations. As per the law laid down by the Hon'ble Apex Court in the case of <i>Pramod Kumar & Ors. Vs. State of Uttar Pradesh & Ors.</i>¹, in the event, if further investigation is required, the same solely rests at the discretion of the concerned learned Jurisdictional Magistrate. It was stated as under:</p> <p><i>"28. In light of the legal position as settled by this Court through the above judgments, it is safe to say that the power to direct further investigation in a case rests solely at the discretion of the Magistrate/Court concerned. In the event, the police/investigation agency is of the opinion that further investigation is necessary in any particular case to cull out complete facts and truth in the case, it is binding upon them to file an appropriate application before the Magistrate/Court, without directing an order for further investigation by themselves. Once such an application is filed by the investigation agency, the Magistrate/Court would apply its judicial mind, in light of the facts and</i></p>	
--	--	--	--

¹ 2026 INSC 120

		<p><i>circumstances of the particular case and the reasons demonstrated by the investigating agency, in order to exercise its discretion for exercise of its power to decide whether or not further investigation is to be ordered under the purview of Section 173(8) CrPC.”</i></p> <p>Considering the submissions made by the learned counsel for the petitioners as well as the law laid down by the Hon’ble Apex Court in the judgment referred above, I am of the view that the Investigating Authority ought to have approached the learned Jurisdictional Magistrate and obtain permission for reopening the crime, as was closed long back.</p> <p>Considering the above said case, this Court is inclined to grant following interim protection to the petitioners:</p> <p>The respondents are directed not to take any coercive steps against the petitioners till the next date of hearing.</p> <p>List the matter on 29.06.2026.</p> <p>In the meantime, the respondents are directed to file counter-affidavits.</p> <p style="text-align: right;"><hr/>BM,J</p> <p>KPV</p>	
--	--	--	--