



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**FRIDAY, THE FIFTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

**THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI
WRIT PETITION NO: 13710 OF 2026**

Between:

1. Soma Rama Krishna, S/o. Seetha Ramulu, Aged about 46 years, Occ Business, Partner, Amaravathi Aggregates, R/o. Door No. 1-1-200/1, Tagore Road, Bhongir, Nalgonda District, Telangana- 508116.
2. Soma Swapna, W/o. Late Soma Radhakrishna, Aged about 35 years, Occ Business, Partner, R/o. Plot No.112, Alakapuri, Yadav Nagar, Saroornagar Mandal, Ranga Reddy District, Telangana - 500035.
3. Amaresh Kumar Mourya, S/O. Arjun Prasad Kushwaha, Aged about 38 years, Occ Business, Partner, R/o. H.No. 11-13- 660/8/306, Ajita Towers, Road No.4, Haripuri Colony, R.K. Puram, Saroornagar Mandal, Ranga Reddy District, Telangana - 500035.
4. A. Ravikiran, S/o. A.M. Muralidhara Rao, Aged about 40 years, Occ Business, Managing Partner, R/o. 2-2-290/50/301, Plot No. SS Sai Residency, New Venkata Ramana Colony, Near Reliance Fresh, Nagole, Ranga Reddy District, Telangana - 500068.
5. Manan Kumar Singh, S/o. Rajul Singh, Aged about 42 years, Occ Business, Partner, R/o. 2-3-76/A/2, Plot No.115, Kothapet, Saroornagar, Ranga Reddy District, Telangana - 500035.
6. Dadigi Sambasiva Rao, S/o. Venkateswara Rao, Aged about 53 years, Occ Business, R/o. D.No. 23-47, West Ibrahimpatnam, Ibrahimpatnam, Krishna District, Andhra Pradesh - 521456.
7. Kolli Sridhar Reddy, S/o. Koti Reddy, Aged about 40 years, Occ Business, R/o. D.No. 143-1, Sreeven Enclave, Chittaramma Temple,

Gajularamaram, Qutubullapur, Ranga Reddy District, Telangana -
500055

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Secretariat Building, Velagapudi, Amaravati, Guntur District - 522238.
2. The Superintendent of Police, NTR District, Andhra Pradesh - 520010.
3. The Inspector of Police, Mylavaram Circle, NTR District, Andhra Pradesh - 521230.
4. The Station House Officer, G. Konduru Police Station, NTR District - 521229.
5. Smt. Tanneeru Seetha Mahalakshmi, W/o. Venu Babu, Aged about 49 years, Occ Household, R/o. Sangeetha Apartments, Gayatri Nagar, Vijayawada, NTR District, Andhra Pradesh - 520008.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ Order or direction, particularly one in the nature of Writ of Mandamus, declare the action of the respondents in reopening Crime No. 224 of 2022 on the file of G. Konduru Police Station, NTR District, and issuing notice dated 05.05.2026 under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the 3rd respondent - Inspector of Police, Mylavaram Circle, NTR District, as illegal, arbitrary, without jurisdiction and an abuse of process of law Consequently quash Crime No. 224 of 2022 on the file of G. Konduru Police Station, NTR District, and the notice dated 05.05.2026 issued under Section 35(3) BNSS by the 3rd respondent;

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further investigation and all coercive steps,

including operation of the notice dated 05.05.2026 issued under Section 35(3) BNSS in Crime No. 224 of 2022, Pending disposal of WP 13710 of 2026, on the file of the High Court.

The petition, coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N RAVI PRASAD Advocate for the Petitioners, GP FOR HOME for Respondent Nos.1 to 4 and the Court made the following

ORDER

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.

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:

‘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 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.’

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 Pramod Kumar & Ors. Vs. State of

Hon'ble Apex Court in the case of Pramod Kumar & Ors. Vs. State of Uttar Pradesh & Ors.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:

“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 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.”

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.

Considering the above said case, this Court is inclined to grant following interim protection to the petitioners:

The respondents are directed not to take any coercive steps against the petitioners till the next date of hearing.

¹ 2026 INSC 120

List the matter on 29.06.2026.

In the meantime, the respondents are directed to file counter-affidavits.

//TRUE COPY//

SD/- U.SRIDEVI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Home Department, Secretariat Building, Velagapudi, Amaravati, Guntur District - 522238.
(by **Special Messenger**)
2. The Superintendent of Police, NTR District, Andhra Pradesh - 520010.
3. The Inspector of Police, Mylavaram Circle, NTR District, Andhra Pradesh - 521230.
4. The Station House Officer, G. Konduru Police Station, NTR District - 521229.
5. Tanneeru Seetha Mahalakshmi, W/o. Venu Babu, R/o. Sangeetha Apartments, Gayatri Nagar, Vijayawada, NTR District, Andhra Pradesh - 520008. (addressee 2 to 5 by **RPAD**)
6. One CC to SRI. N RAVI PRASAD Advocate [OPUC]
7. Two CCs to GP FOR HOME, High Court of Andhra Pradesh. [OUT]
8. One spare copy

HIGH COURT

BM,J

DATED:15/05/2026

LIST THE MATTER ON 29.06.2026

ORDER

WP.No.13710 of 2026

DIRECTION

