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APHC010328662026



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

[3521]

WEDNESDAY, THE 8th DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NOS: 5256 and 5293 OF 2026

CRIMINAL PETITION NOS: 5256 OF 2026

Between:

- 1.SRI PERNI VENKATA RAMAIAH ALIAS PERNI NANI, S/O. PERNI KRISHNA MURTHY,AGED ABOUT 60 YEARS,OCC EX-MLA AND FORMER MINISTER, GOVERNMENT OF ANDHRA PRADESH,R/O. H.NO. 23-346, RAMANAIDUPETA,MACHILIPATNAM, KRISHNA DISTRICT,ANDHRA PRADESH EX MINISTER MLA
- 2.DEVINENI AVINASH, S/O. RAJASEKHAR NEHRU,AGED ABOUT 38 YEARS,OCC YSRC LEADRE ,R/O. D.NO. 48-4-16, ASHOK GARDEN,GUNADALA, VIJAYAWADA URBAN,KRISHNA DISTRICT, ANDHRA PRADESH - 520004.

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH,AMARAVATI.
- 2.THE STATION HOUSE OFFICER, TADEPALLI POLICE STATION,GUNTUR DISTRICT
- 3.TENALI MANIKYAM, W/O ANKAYYA, AGED ABOUT 35 YEARS,R/O

PENUMAKA VILLAGE,TADEPALLI MANDAL,GUNTUR DISTRICT.

...RESPONDENT/COMPLAINANT(S):

CRIMINAL PETITION NO: 5293 OF 2026

Between:

- 1.PANUGANTI CHAITANYA, S/O PULLA RAO, AGED ABOUT 35 YEARS,R/O D.NO. 62-18-880, YADAVA STREET,IM CROSS ROAD, OLD GUNTUR, 0PP. TEJA HIGH SCHOOLKOTHAPETA, GUNTUR, GUNTUR DISTRICT
- 2.VANAMA BALA VAJRA BABU ALIAS DIAMOND BABU, A2S/O DASU, AGED ABOUT 53 YEARS,R/O D.NO. 7-17-369/14, MALLIKHARJUNA PETA, 5 LANE, GUNTUR, GUNTUR DISTRICT.
- 3.AMBATI RAMBABU, A3,S/O LATE A.V.S.R. ANJANEYULU,AGED ABOUT 68 YEARS, R/O D.NO.4-20-28/21ST LANE, SIDDHARTHA NAGAR, GUNTUR,GUNTUR DISTRICT.
- 4.LEILA APPI REDDY, A6,S/O SAMBI REDDY, AGED ABOUT 59 YEARS.FLAT NO. 203, GOLDEN TOWERS,KRISHNA NAGAR MAIN ROAD, 0PP. JUTE MILLKRISHNA NAGAR, GUNTUR, GUNTUR DISTRICT.
- 5.DONTHIREDDY SANKARA REDDY ALIAS DONTHIREDDY VEMAREDDY, A7,S/O KOTIREDDY, AGED ABOUT 74 YEARS,R/O D.NO. 3-156, KOTTURU, TADEPALLI,GUNTUR DISTRICT
- 6.ANN MURTHY ALIAS NAVARATNALA NARAYANA, S/O LATE KANNALU A8,AGED ABOUT 53 YEARS, R/O D.NO. 2-3, D POLAVARAMNEAR PANCHAYATI OFFICE, TUNI, KAKINADA DISTRICT.
- 7.MEKA VENKATA SIVA REDDY ALIAS MEKA SIVAREDDY, A9,S/O NAGI REDDY, AGED ABOUT 46 YEARSR/O D.NO. 6-5, NEAR ELEMENTRY SCHOOLPENUMAKA, GUNTUR DISTRICT.
- 8.NUNE UMA MAHESWARA REDDY, A10,S/O THIMMA REDDY, AGED ABOUT 47 YEARSR/O D.NO. 4-36, PEDA PALAKALURU,

GUNTURDISTRICT.

...PETITIONER/ACCUSED(S)

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH., REP BYTADEPALLI POLICE STATION, GUNTUR DISTRICT.

2.TENALI MANIKYAM, S/O. ANKAYYA,AGED ABOUT 35 YEARS, R/O. PENUMAKA VILLAGE,TADEPALLI MANDAL, GUNTUR DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1.SRIPATHI RAVI TEJA

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR

The Court made the following:

COMMON ORDER:

These two Criminal Petitions are heard together and are being disposed of by this common order, as the Petitioners in the two petitions are different, but the crime registered against them is one and the same.

2. Crl.P.No.5256 of 2026 has been 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 Petitioners/Accused Nos.4 and 5 in Crime No.412 of 2026 of Tadepalli Police Station, Guntur District registered for the alleged offences punishable under Sections 189(3), 115(2), 118(1), 131, 79,

351(2) read with 190 of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS') and Section 3(1)(r). 3(1)(s). 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the SC and ST (PoA) Act').

3. Crl.P.No.5293 of 2026 has been filed by the Petitioner Nos.1 to 8/Accused Nos.1 to 3 and 6, 7 to 10 in connection with Crime No.412 of 2026.

4. Heard the learned Senior Counsel for the Petitioners, learned Senior Counsel for the Respondent No.2 and the learned Assistant Public Prosecutor. Perused the record.

5. On 01.07.2026, this Court passed the following order:

"Heard Sri P. Sudhakar Reddy, learned Senior Counsel appearing on behalf of Sri Sudharshan Reddy Jalla, learned counsel for the Petitioners; Sri C. Raghu, learned Senior Counsel appearing on behalf of Sri Sripathi Ravi Teja, learned counsel for the Petitioners; and Sri M. Lakshminarayana, learned Public Prosecutor.

Issued notice to the unofficial Respondents in the two petitions.

The learned Counsel for the Petitioners is permitted to take out personal notice to the unofficial Respondents and file proof to that effect.

The learned Public Prosecutor is directed to take out notice contemplated under Section 15A(3) of the SC/ST (PoA) Act on the de-facto complainant/victim.

Sri M. Lakshminarayana, learned Public Prosecutor while opposing the grant any relief whatsoever relies on the judgment of the Hon'ble Apex Court in **Practical Solutions Inc. v. State of Telangana**¹, wherein at paragraph Nos.9, 11 and 12 it is held as under:

"9. We are inclined to set aside the impugned order and remit the matter to the High Court with a direction that let the appellant before us (Defacto complainant) be heard and thereafter the High Court may pass a fresh order.

11. However, we make it clear that till the High Court decides afresh, no coercive steps be taken against the respondent nos. 2 and 3, respectively, before us.

12. We also take notice of the fact that infact the petition before the High Court was to quash the FIR. In a petition

¹ 2026 SCC Online SC 923

where quashing of the FIR is prayed for, the High Court should not have passed an order directing the Investigating Officer to comply with Section 41-A of the Criminal Procedure Code, 1973 (for short, "the Cr. P.C.") because it indirectly amounts to granting a relief which High Court could have considered only if a prima facie case for quashing of the FIR is made out."

The learned Public Prosecutor has also relied on a decision of the Allahabad High Court in **Shaukin v. State of U.P**², wherein at paragraph No.6 it is held as under:

"6. We have further clarified that there may be cases where the accused has not been named in the FIR or at the time when the co-accused were picked up, for example in a case of vehicle theft or recovery of other stolen goods, or where the co-accused has been arrested while committing a crime and he names another accused as also having participated in the crime, whose custodial interrogation may be necessary and the police officer is of the opinion that the disclosure furnishes credible information or gives rise to a reasonable suspicion for inferring that the accused whose arrest is sought could also be involved, or there are chances that such an accused would abscond or not respond to a notice under section 41-A, Cr. P.C. to appear, looking to the nature of the crime and the background of the particular accused, these may be appropriate cases where immediate arrests may be needed. Likewise where the accused whose arrest is sought appears to be habitually engaged in committing crimes or appears to be participating in some organized crimes, these would also be circumstances where it may be necessary to arrest such accused without delay. Thus we see that no total embargo has been placed on effecting arrests even in cases punishable upto 7 years imprisonment."

In another decision relied on by the learned Public Prosecutor in **Arnesh Kumar v. State of Bihar**³, wherein at paragraph No.7.1 it is held as under:

"7.1. From a plain reading of the aforesaid provision, it is evident that a person accused of an offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine, cannot be arrested by the police officer only on his satisfaction that such person had committed the offence punishable as aforesaid. A police officer before arrest, in such cases has to be further satisfied that such arrest is necessary to prevent such person from committing any further offence; or for proper investigation of the case; or to prevent the accused from causing the evidence of the offence to disappear; or tampering with such evidence in any manner; or to prevent such person from making any inducement, threat or promise to a witness so as to dissuade him from disclosing such facts to the court or the police officer; or unless such accused person is arrested, his presence in the court whenever required cannot be ensured. These are the conclusions, which one may reach based on facts."

² 2012 SCC OnLine All 933

³ (2014) 8 SCC 273

Sri P. Sudhakar Reddy, learned Senior Counsel for the Petitioners/Accused in Crl.P.No.5293 of 2026 relied on the decision of the Hon'ble Apex Court in **Satender Kumar Antil v. Central Bureau of Investigation**⁴, wherein at paragraph Nos.30 and 31 it is held as under:

"30. While making an arrest under Section 35(6) of the BNSS, 2023, after the stage of issuing a notice seeking presence under Section 35(3) of the BNSS, 2023, the circumstances and factors that were in existence at the time of issuing the said notice shall not be taken into consideration by a police officer while making an arrest subsequently. In other words, for effecting an arrest under Section 35(6) of the BNSS, 2023, it must be based upon materials and factors which were not available with the police officer at the time of issuing a notice under Section 35(3) of the BNSS, 2023. Therefore, the power of arrest under Section 35(6) of the BNSS, 2023 is to be exercised rather sparingly, only under circumstances as aforementioned.

31. Hence, we have no hesitation to hold that a notice under Section 35(3) of the BNSS, 2023 to an accused or any individual concerned, qua an offence punishable with imprisonment up to 7 years, is the rule, while an arrest under Section 35(6) read with Section 35(1)(b) of the BNSS, 2023, is a clear exception."

Admittedly, all the alleged offences are punishable with imprisonment for a term of less than seven years. The prosecution contends that as many as 23 criminal cases are pending against Accused No.1, 36 cases are pending against Accused No.3, 11 cases are pending against Accused No.5, 23 cases are pending against Accused No.6, 7 cases are pending against Accused No.7, 2 cases are pending against Accused No.9, and 5 cases are pending against Accused No.10.

All the Petitioners/Accused are political leaders belonging to the opposition party. Accused No.4 is a former Minister and MLA. Accused No.5 is the President of the YSRCP, NTR District. Accused No.3 is a former MLA, and Accused No.6 is a former MLC.

The learned Public Prosecutor further submits that Accused No.1 is a rowdy-sheet holder.

The de-facto complainant claims that she belongs to SC-Madiga community. She alleges that, while she was in Undavalli Village along with some other women belonging to her community as well as other communities, she received information that the individuals opposing the development of the Amaravati Capital, i.e., the Petitioners/Accused herein, had arrived in cars towards Penumaka Village. It is further alleged that they raised slogans against the Amaravati Capital Region farmers. When the de-facto complainant and the others questioned the Petitioners/Accused, they allegedly threatened her with dire consequences and abused her in filthy language by referring to her caste. She further alleges that one person by name Rayapudi Kiranbabu, who belongs to SC-Mala

⁴ Special Leave Petition (Crl.) No.5191 of 2021, dated 15.01.2026

community, humiliated and abused her by taking the name of her caste.

As mentioned supra, all the Petitioners belong to the opposite political party and hold different positions therein. None of the Petitioners belongs to Penumaka Village, where the de-facto complainant resides.

The Hon'ble Apex Court in **P.Krishna Mohan Reddy v. State of Andhra Pradesh**⁵, wherein at paragraph No.27 it is held as under:

"To some extent, the petitioners could be said to have made out a prima facie case of political bias or mala fides but that by itself is not sufficient to grant anticipatory bail overlooking the other prima facie materials on record. Political vendetta or bias if any is one of the relevant considerations while considering the plea of anticipatory bail. The courts should keep one thing in mind, more particularly, while considering the plea of anticipatory bail that when two groups of rival political parties are at war which may ultimately lead to litigations, more particularly, criminal prosecutions there is bound to be some element of political bias or vendetta involved in the same. However, political vendetta by itself is not sufficient for the grant of anticipatory bail. The courts should not just look into the aspect of political vendetta and ignore the other materials on record constituting a prima facie case as alleged by the State. It is only when the court is convinced more than prima facie that the allegations are frivolous and baseless, that the court may bring into the element of political vendetta into consideration for the purpose of considering the plea of anticipatory bail. The frivolity in the entire case that the court may look into should be attributed to political bias or vendetta."

In view of the fact that all the offences are punishable below seven years. The investigating officer is directed not to arrest the Petitioners until further order, but the Petitioners shall appear before the Investigating Officer as instructed by the Investigating Officer in writing and cooperate with the investigation. The Investigating Officer shall proceed with further investigation.

List on 08.07.2026 for hearing of the de-facto complainant."

6. The learned Senior Counsel for the Petitioners, learned Senior Counsel for the Respondent No.2 and the learned Assistant Public Prosecutor in unison submit that the alleged offences are punishable with imprisonment for less than seven (07) years. The Petitioners are, therefore, entitled to the benefit under Section 35(3) of 'the BNSS.,' in view of the judgments of the

⁵ 2025 SCC Online SC 1157

Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**⁶ and **Md.Asfak Alam v. the State of Jharkhand**⁷. The submissions appear to be sound, reasonable and convincing.

7. As seen from the record, the alleged offences levelled against the Petitioner Nos.1 and 2/Accused Nos.4 and 5 in Crl.P.No.5256 of 2026 and the Petitioner Nos.1 to 8/Accused Nos.1 to 3 and 6, 7 to 10 in Crl.P.No.5293 of 2026 are punishable with imprisonment for less than seven (07) years. The order dated 01.07.2026 is modified to that effect by recalling the order of not to take coercive steps against the Petitioners.

8. The Hon'ble Supreme Court, in **Practical Solutions Inc. v. State of Telangana**, Criminal Appeal No.353 of 2026 (arising out of SLP (Criminal) Diary No.953 of 2026), on dated 19.01.2026 has held as follows:

"We also take notice of the fact that the petition before the High Court was to quash the FIR. In a petition where quashing of the FIR is prayed for, the High Court should not have passed an order directing the Investigating Officer to comply with Section 41-A of the Code of Criminal Procedure, 1973, because it indirectly amounts to granting a relief which the High Court could have considered only if a prima facie case for quashing of the FIR is made out."

9. Further, the Hon'ble Supreme Court, in **Satender Kumar Antil v. Central Bureau of Investigation**⁸, wherein at paragraph No.33, it is held as under:

33. On the basis of the interpretation given by us, we conclude as follows:

⁶(2014) 8 SCC 273

⁷(2023) 8 SCC 632

⁸ Special Leave Petition (Crl.) No.5191 of 2021, dated 15.01.2026

- a. An arrest by a police officer is a mere statutory discretion which facilitates him to conduct proper investigation, in the form of collection of evidence and, therefore, shall not be termed as mandatory.
- b. Consequently, the police officer shall ask himself the question as to whether an arrest is a necessity or not, before undertaking the said exercise.
- c. For effecting an arrest, qua an offence punishable with imprisonment up to 7 years, the mandate of Section 35(1)(b)(i) of the BNSS, 2023 along with any one of the conditions mentioned in Section 35(1)(b)(ii) of the BNSS, 2023 must be in existence.
- d. A notice under Section 35(3) of the BNSS, 2023 to an accused or any individual concerned, qua offences punishable with imprisonment up to 7 years, is the rule.
- e. Even if the circumstances warranting an arrest of a person are available in terms of the conditions mentioned under Section 35(1)(b) of the BNSS, 2023, the arrest shall not be undertaken, unless it absolutely warranted.
- f. Power of arrest under Section 35(6) read with Section 35(1)(b) of the BNSS, 2023, pursuant to a notice issued under Section 35(3) of the BNSS, 2023 is not a matter of routine, but an exception, and the police officer is expected to be circumspect and slow in exercising the said power.

10. Furthermore, in this regard, it is apposite to mention the Hon'ble Apex Court in **Arnesh Kumar** *supra*, wherein a detailed guidelines were issued at Para Nos.11 and 12, for arresting a person, which are being reproduced herein below:-

11. Our endeavor in this judgment is to ensure that police officers do not arrest accused unnecessarily and Magistrate do not authorize detention casually and mechanically. In order to ensure what we have observed above, we give the following direction:

- a).All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A of the IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41 Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.');
- b) All police officers be provided with a check list containing specified sub- clauses under Section 41(1)(b)(ii);
- c) The police officer shall forward the check list duly filed and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;

d) The Magistrate while authorizing detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorize detention;

e) The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing;

f) Notice of appearance in terms of Section 41-A of Cr.P.C be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing;

g) Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, he shall also be liable to be punished for contempt of court to be instituted before High Court having territorial jurisdiction.

h) Authorizing detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.

12. We hasten to add that the directions aforesaid shall not only apply to the cases under Section 498-A of the I.P.C. or Section 4 of the Dowry Prohibition Act, the case in hand, but also such cases where offence is punishable with imprisonment for a term which may be less than seven years or which may extend to seven years; whether with or without fine.

11. The similar view is also reiterated by the Hon'ble Apex Court in **Md.Asfak Alam** *supra*, which also reiterated the guidelines laid down in the case of **Arnesh Kumar**.

12. In the light of the law laid down in the case of **Satender Kumar Antil**, **Arnesh Kumar** and **Md. Asfak Alam**, the investigating officer is under legal obligation to proceed in accordance with law, but he shall follow the procedure prescribed under Sections 41 and 41(A) of 'the Cr.P.C.,' (now Sections 35 and 35(3) of 'the B.N.S.S.,' 2023). The Petitioners/Accused Nos.1 to 10 in Crime No.412 of 2026 are obliged to render their fullest cooperation in the ongoing investigation.

13. In the result, the Criminal Petitions are disposed of directing the Investigating Officer to comply with Section 35(3) of 'the BNSS'/41-A of 'the Cr.P.C.,' and to strictly follow the directions issued in the cases of **Satender Kumar Antil, Arnesh Kumar** and **MD. Asfak Alam**. If it is noticed in the course of investigation that the Petitioners have committed any offence which is punishable with imprisonment beyond seven years, the investigating officer is at liberty to proceed in accordance with law.

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

DR. Y. LAKSHMANA RAO, J

Date: 08.07.2026
KMS

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION Nos.5256 and 5693 of 2026

Date: 08.07.2026