

[3396]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

**THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 8055 OF 2025**

Between:

1. Sri Jyothi Jai Sai, /o Ramanjineyulu, Aged about 26 years, R/o Dr. No. 6/86, Chitravathi Road, BC Colony, Yenumalapalle Yenumulapalli, Anantapur, Anantapur District.
2. Sri Bestha Babu @ Bestha Suresh Babu, S/o Akkulappa, Aged about 42 years, R/o Dr. No. 5-820, BC Colony, Kothacheruvu, Anantapur District.
3. Sri Kattela Kishore, S/o K. Venkateswarulu, Aged about 37 years R/o Chinna Malkapuram, Malkapuram, Kurnool District.
4. Sri T. Adinarayana, S/o T. Madappa, Aged about 43 years, R/o Gutturu Village Mandal, Anantapur District.
5. Sri K. Narendra Kumar, S/o K. Viswanath, Aged about 34 years R/o BC Colony, Kothacheruvu, Anantapur District.
6. Sri Sathramkada Sainath, S/o Ramanjeneyulu, Aged about 24 years R/o BC Colony, Kothacheruvu, Anantapur District.
7. Sri Bestha Charan Sai, S/o Ramanjineyulu, Aged about 25 years R/o BC Colony, Kothacheruvu, Anantapur District

Petitioner/Accused No.1 to 7

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High court of Andhra Pradesh, At Amaravati, Guntur District, Andhra Pradesh.

Respondents

2. Sri R. Dilip Kumar, S/o unknown. Aged about 33 years, R/o HSR Layout. Bangalore City. Bangalore, Karnataka State.

Defacto- Complainant/Respondents

WHEREAS the Petitioners above named through their Advocate Sri K SRINIVAS presented this Petition under Section 528 of BNSS (Section 482 of Cr.P.C), praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to quash the proceedings in FIR. No. 77 of 2025, on the file of Kothacheruvu Police Station, Sri Satya Sai District. U/s 318 (4) R/w 3 (5) of BNS.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri K SRINIVAS Advocate for the Petitioners and of PUBLIC PROSECUTOR for Respondent no.1 directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Sri R. Dilip Kumar, S/o unknown. Aged about 33 years, R/o HSR Layout. Bangalore City. Bangalore, Karnataka State.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith(copy enclosed) this CRIMINAL PETITION should not be admitted on or before 31.10..2025 or to which date the case stands posted for hearing.

IA NO: 2 OF 2025

Petition under Section 528 of BNSS, 2023 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 proceedings in FIR. No. 77 of 2025, on the file of Kothacheruvu Police Station, Sri Satya Sai District. U/s 318 (4) R/w 3 (5) of BNS, pending disposal of CRLP No. 8055 of 2025, on the file of the High Court.

The Court made the following: ORDER

“Heard the learned counsel for the Petitioners/A1 to A7.

Learned Assistant Public Prosecutor takes notice for the State/
Respondent No.1.

Learned counsel for the Petitioners would submit that all the offences are punishable below seven years of imprisonment and a direction may be given to the Police to follow the guidelines issued by Hon'ble Apex Court in *Arnesh Kumar v. State of Bihar*¹ reported in (2014) 8 SCC 273, since Section 35(3) of BNSS is *pari materia* to Section 41-A of the Code of Criminal Procedure.

Learned Assistant Public Prosecutor fairly conceded the same and would submit that a direction may be given to the Police to follow the procedure as established under Section 35(3) of BNSS since the offences are punishable with an imprisonment of below seven years.

In that view, the Police are directed to follow the guidelines issued by the Hon'ble Apex Court in *Arnesh Kumar v. State of Bihar* (referred supra) scrupulously.

Issue notice to Respondent No.2.

Learned counsel for the Petitioners is permitted to take out personal notice on Respondent No.2 through RPAD/Courier and file proof of the same.

List the matter on 31.10.2025."

SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For _____

To,

1. Sri R. Dilip Kumar, Aged about 33 years, R/o HSR Layout. Bangalore City. Bangalore, Karnataka State. (by RPAD- along with a copy of petition and memorandum of grounds) ✓
2. One CC to SRI. K SRINIVAS Advocate [OPUC] ✓
3. Two CCs to the PUBLIC PROSECUTOR, High Court of A.P [OPUC] ✓
4. One spare copy

psk

HIGH COURT

DR.VJP,J

DATED:01/08/2025

LIST THE MATTER ON 31.10.2025

NOTICE BEFORE ADMISSION

CRLP.No.8055 of 2025

DIRECTION

