

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE ELEVENTH DAY OF AUGUST

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

IA No. 2 OF 2025

IN

CRLP NO: 8292 OF 2025

Between:

1. Sheik Saleem, S/o Shaik Ismail, Age 35 yrs, Occ Employee, R/o Flat No.204, Plot No. 175 and 176, Huda Colony, Phase - II, Chandanagar, Hyderabad.
2. Sheik Fathima, W/o Saleem, Age 32 yrs, Occ Housewife, R/o Flat No.204, Plot No. 175 and 176, Huda Colony, Phase - II, Chandanagar, Hyderabad.

...Petitioner(s)

(Petitioners/Accused A-4 & A-5 in CRLP 8292 OF 2025

on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep. by Station House Officer, Rampachodavaram Police Station, Alluri Sitha Rama Raju District, Through Public Prosecutor, A.P. High Court at Amaravati.
2. Sheik Basheer, W/o Rafi, Age 28 yrs, R/o Kaikalavari Street, Rampchodavaram Village and Mandal, Alluri Sitha Rama Raju District.

...Respondent(s)

(De-facto Complainant/Respondents in-do-)

Counsel for the Petitioners :M/s AISHWARYA NAGULA

Counsel for the Respondent No.1:PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C/ Under Section 528 of BNSS
praying that in the circumstances stated in the memorandum of grounds filed

in support of the petition, the High Court may be pleased to stay of all further proceedings in F.I.R.No.84/2024 dt: 27.06.2024 registered under Sec.498-A, 509, 506 r/w 34 IPC, Sec.3 and 4 of the Dowry Prohibition Act at Rampachodavaram Police Station, Alluri Sitha Ram Raju District so far it relates to the petitioners including the presence of the petitioners, Pending disposal of CRLP No. 8292 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard learned counsel for the petitioners.

Learned counsel for the petitioners would submit that 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 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 Act 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's case (supra) scrupulously.

//TRUE COPY//

For /

**Sd/- K.TATA RAO
DEPUTY REGISTRAR**

SECTION OFFICER

To,

1. The Station House Officer, Rampachodavaram Police Station, Alluri Sitha Rama Raju District
2. Sheik Basheer, W/o Rafi, Age 28 yrs, R/o Kaikalavari Street, Rampachodavaram Village and Mandal, Alluri Sitha Rama Raju District. (By RPAD)
3. One CC to M/s AISHWARYA NAGULA Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
5. One spare copy

PSR

HIGH COURT

DR.VJP,J

DATED:11/08/2025

NOTE: LIST THE MATTER AFTER FOUR (4) WEEKS.

ORDER

**IA No. 2 OF 2025
IN
CRLP NO: 8292 OF 2025**

INTERIM DIRECTION

