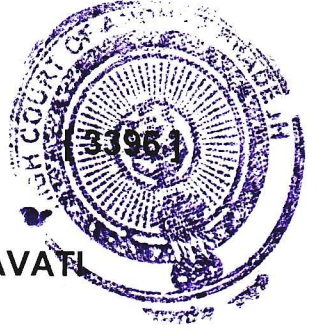




(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 8255 OF 2025

Between:

1. Nemala Devudu, S/o. Nemala Apparao, Aged about 49 Years, R/o.Vemavaram Village, Thondangi Mandal, East Godavari, A.P - 533449.
2. Nemala Dandubabu, S/o. Nemala Apparao, Aged about 47 Years, R/o Ramalayam Veedi, Veemavaram, Thondangi Mandal, . East Godavari, A.P- 53340.
3. Nemala Rambabu, S/o. Devudu, Aged about 30 Years, R/o Vemavaram Village, Thondangi Mandal, East Godavari, A.P - 533449.
4. Nemala Dora Babu, S/o. Nemala Devudu, Aged about 26 years R/o Vemavaram Village, Thondangi Mandal, East Godavari, A.P - 533449.
5. Talapanti Lova Satyanarayana, S/o. Talapanti Rajarao, Aged about 39 years, R/o. Thondangi Mandal, Vemavaram, east Godavari, A.P - 533401

Petitioners/Accused 1 to 5

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati.

Respondent

2. Adapa Satyanarayana, S/o. W Satyanarayana Aged about 54 years, R/o. Jewel Meadows Apartments Sarpavaram. Kakinada.

Respondent/Defato-Complainant

WHEREAS the Petitioners above named through their Advocate Sri T N M RANGA RAO, presented this Petition under Section 528 of B.N.S.S. (under section 482 of Cr.P.C), praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to call for the records in Crime No 132 of 2025 and may be pleased to Quash the proceedings in F.I.R. No.132 of 2025, on the file of Thongadi Police Station Kakinada;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri T N M RANGA RAO, 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:

Adapa Satyanarayana, S/o. W Satyanarayana Aged about 54 years,
R/o. Jewel Meadows Apartments Sarpavaram.Kakinada.

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 affidavit filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, on or before 06.11.2025, on which date the case stands posted for hearing.

IA NO: 1 OF 2025

Petition under Section 528 of B.N.S.S. (under section 482 of Cr.P.C), is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to Stay all further the proceedings including the arrest of the Petitioners in F.I.R. No.132 of 2025, on the file of Thondangi Police Station, Kakinada, pending disposal of CRLP No. 8255 of 2025, on the file of the High Court.

The Court made the following ORDER:

Heard the learned counsel for the Petitioners/A1 to A5.

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 Bihar¹ 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.

Considering the submissions, that there is a decree in favour of the petitioners, 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 and the investigation may go on.

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 06.11.2025.

SD/- P.VINOD KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Station House Officer, Thondangi Police Station, Kakinada
2. Adapa Satyanarayana, S/o. W Satyanarayana Aged about 54 years, R/o. Jewel Meadows Apartments Sarpavaram.Kakinada.(by RPAD- along with a copy of petition and memorandum of grounds)

¹ (2014) 8 SCC 273

3. One CC to SRI. T N M RANGA RAO Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

KJ

HIGH COURT

DR.VJP,J

DATED:07/08/2025

LIST THE MATTER ON 06.11.2025

NOTICE BEFORE ADMISSION

CRLP.No.8255 of 2025

DIRECTION

