

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE NINETEENTH DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY FIVE

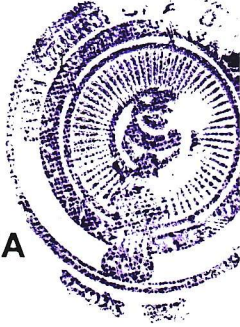
:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

IA NO.1 OF 2025

IN

CRLP. NO: 9738 OF 2025



Between:

1. Muneer Ahamad, S/o. Khasim Miah, Age 59 years, Occ Govt. Service, R/o. H.No. 46-683A, Budhwarpetta, Kurnool Town.
2. MD. Madiha, D/o. Muneer Ahammad, Age 26 years, Occ Household, R/o. H.No. 46-683A, Budhwarpetta, Kurnool Town.

Petitioners/Accused No.1 & 2

AND

1. The State of Andhra Pradesh, Rep. by Public Prosecutor High Court, Amaravathi.
2. B. Rajeshwaramma, W/o. Amrutha Raju, Aged 35 years, Occ PVT Service R/o. Laxmi Nagar, Kurnool Town, Kurnool District.
3. The Station House Officer, PS Kurnool III Town, Kurnool.

.... Respondents/Complainant

Counsel for the Petitioner : SRI C M R VELU

Counsel for the Respondent No.1: Asst PUBLIC PROSECUTOR

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant Stay of all further proceedings in the Cr. No. 344 of 2025 dated 28-07-2025 on the file of Kurnool III Town P.S. lodged by complainant/respondent against the petitioners/accused alleging offences U/s. 79 r/w 3(5) BNS, 3(1)(r). (1)(s), 3(2)(va) SC ST POA Act including arrest of the petitioners and pass Pending disposal of CRLP No. 9738 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). The Court made the following

ORDER

“Heard learned counsel for the petitioners.

Learned counsel for the petitioners would submit that by mistake the name of the petitioner No.2 is mentioned in the petition and she is not present to that extent. Learned counsel for the petitioner 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//

**Sd/-M.PRABHAKAR RAO
ASSISTANT REGISTRAR**


SECTION OFFICER

/o,

1. The SHO, Kurnool III Town P.S
2. B. Rajeshwaramma, W/o. Am ruth a Raju, Aged 35 years, Occ PVT Service R/o. Laxmi Nagar, Kurnool Town, Kurnool District. (by RPAD- along with a copy of petition and memorandum of grounds)
3. The Station House Officer, PS Kurnool III Town, Kurnool.
4. One CC to SRI. C M R VELU Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
6. **One spare copy**

ksr

HIGH COURT

DR.VJP, J

DATED:19/09/2025

List the matter on 31.10.2025.

IA NO.1 OF 2025

IN

CRLP.No.9738 of 2025

DIRECTION

