

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

THURSDAY, THE TWENTY THIRD DAY OF OCTOBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 10920 OF 2025



Between:

1. Rasiraju Dharma Raju, (A-3), Son of Pichiraju, Aged 71 years, Occ. Agriculturist, R/o. Mannegunta Rajupalem Village, Venkatagiri Mandal Tirupati District, Andhra Pradesh.
2. Rasiraju Ravi Kumar, (A-4), Son of Dharma Raju, Aged 42 years, Occ. Agriculturist, R/o. Mannegunta Rajupalem Village, Venkatagiri Mandal Tirupati District, Andhra Pradesh.
3. Rasiraju Bala Krishna Raju, (A-5) Son of Dharma Raju, Aged 47 years, Occ. Agriculturist, R/o. Mannegunta Rajupalem Village, Venkatagiri Mandal, Tirupati District, Andhra Pradesh.

...Petitioners/Accused-3 to 5

AND

1. The State of Andhra Pradesh, SHO, Venkatagiri Police Station, Rep. through its Public Prosecutor, High Court of Judicature, A.P.Amaravathi, Guntur District.

...Respondent/Complainant

2. Velugoti Rajendra Kumar, S/o. Muvva Gopal, Hindu, Aged about 62 years, Occ Business, Residing at No.4, Saligramam, Chennai.

...Respondent/Defacto Complainant

WHEREAS the Petitioners/Accused above named through their Advocate SRI VENKATESWARLU SANISETTY presented this Petition under Section 528 of BNSS, 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 of FIR in Crime No. 185 of 2025 on the file of Venkatagiri Police Station, Venkatagiri, Tirupati District, registered u/s. 329 (30, 324 (50, 351(2), R/w. 3(5) BNS act 2023 dated. 21.09.2025 .

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri VENKATESWARLU SANISETTY Advocate for the Petitioners, and of PUBLIC PROSECUTOR, for the 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:

Velugoti Rajendra Kumar, S/o. Muvva Gopal, Hindu, Aged about 62 years, Occ: Business, Residing at No.4, Saligramam, Chennai.

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 grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, on or before 11.12.2025, to which date the case stands posted for hearing.

IA NO: 1 OF 2025

Petition 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 may be pleased to stay of all further proceedings of FIR in Crime No. 185 of 2025 on the file of Venkatagiri Police Station, Venkatagiri, Tirupati District, registered u/s. 329(30, 324(50, 351(2), R/w. 3(5) BNS act 2023 dated. 21.09.2025, pending disposal of CRLP No. 10920 of 2025, on the file of the High Court.

The Court made the following: ORDER

Heard learned counsel for the petitioner(s) and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor.

Learned Assistant Public Prosecutor takes notice on behalf of the State.

Learned counsel for the Petitioner(s) 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 material 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 v. State of Bihar (referred supra) scrupulously.

Issue notice to the respondent No.2.

Learned counsel for the petitioner(s) is permitted to take out personal notice to the respondent No.2 through RPAD/Courier and file proof of the same in the Registry.

List the matter on 11.12.2025.

//TRUE COPY//

For

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER

10/25

¹ (2014)8SCC273

To,

1. The Station House Officer, Venkatagiri Police Station, Venkatagiri, Tirupati District
2. Velugoti Rajendra Kumar, S/o. Muvva Gopal, Hindu, Aged about 62 years, Occ Business, Residing at No.4, Saligramam, Chennai. **(by RPAD- along with a copy of petition and memorandum of grounds)**
3. One CC to SRI. VENKATESWARLU SANISETTY 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:23/10/2025

NOTE: List the matter on 11.12.2025.

NOTICE BEFORE ADMISSION

CRLP.No.10920 of 2025

INTERIM DIRECTION

