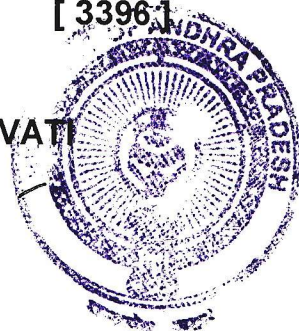


[3396]



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

:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 10976 OF 2025

Between:

1. Shaik Mujamil, S/o. Shaik Dasthagiri, Aged about 37 years, Occ: Business, R/o. 14-71, Boya Street, Palamaner, Chittoor, Andhra Pradesh.
2. P. Mahesh, C/o. P.Parthasaradhi, Aged about 41 years, Occ: Carpenter, R/o.28-342, Gantavooru, Palamaner, Palamaner, Chittoor District.

...Petitioners/Accused No. 1 & 2

AND

1. The State of Andhra Pradesh, Represented by its Public Prosecutor, Amaravathi, Guntur District.

...Respondent/ Respondent

2. S. Pavan Kumar, S/o. M.Sankar Prasad, Aged about 26 years, Occ: ABN Reporter, R/o.Palamaner Town and Mandal, Sringar Colony, Chittoor, Andhra Pradesh.

...Defacto Complainant/ Respondent No.2

WHEREAS the Petitioner/Accused above named through their Advocate SRI K RAGHU VEER presented this Petition under Section 528 OF BNSS (482 OF Cr.P.C) , is filed 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 F.I.R.No.250 of 2025 on the file of P.S. Palamaner, UPS, Chittoor District for the offence under Section 126(2), 351(2) r/w 3(5) BNS against the Petitioners/Accused No.1 & 2.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI K RAGHU VEER Advocate for the Petitioner, 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:

S Pavan Kumar, S/o. M.Sankar Prasad, Aged about 26 years, Occ ABN Reporter, R/o. Palamaner Town and Mandal, Sringer Colony, Chittoor, Andhra Pradesh

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 **19.12.2025**, on which date the case stands posted for hearing.

IA NO: 2 OF 2025

Petition under Section 528 OF BNSS (482 OF Cr.P.C) , is filed 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 all further proceedings in F.I.R.No.250 of 2025 on the file of P.S. Palamaner, UPS, Chittoor District for the offence under Section 126(2), 351(2) r/w 3(5) BNS against the Petitioners/Accused No.1 & 2, pending disposal of CRLP No. 10976 of 2025, on the file of the High Court.

The Court made the following: ORDER

"Heard the learned counsel for the Petitioners.

Learned Assistant Public Prosecutor takes notice for the State.

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' 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. The Police are further directed not to take any coercive steps against the petitioners and 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 19.12.2025."

//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The SHO,P.S. Palamaner, UPS, Chittoor District .
2. S. Pavan Kumar, S/o. M.Sankar Prasad,Aged about 26 years, Occ ABN Reporter,R/o.Palamaner Town and Mandal, Sringer Colony,Chittoor, Andhra Pradesh (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. K RAGHU VEER Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
5. One spare copy

ADP

HIGH COURT

DR.VJPJ

DATED: 24/10/2025

List the matter on 19.12.2025

NOTICE BEFORE ADMISSION

CRLP.No.10976 of 2025

DIRECTION

