

[3396]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 12443 OF 2025

Between:

1. Pentakota Prem Prasad, S/o.late P.Jagannadham, Aged about 71 years. Both are R/o.H.No31-18-14, Allipuram Venkateswara Metta, Visakhapatnam.
2. P Varalakshmi, W/o.Prem Prasad, Aged about 66 years, Occ: House wife Ro.H.No31-18-14, Allipuram Venkateswara Metta, Visakhapatnam.

Petitioners/Accused Nos.1&2

AND

1. The State of Andhra Pradesh, Rep.by its Public Prosecutor, High Court, Amaravathi. Through SHO, II Town Police Station Visakhapatnam.
2. Pentakota Padmavathi, W/o.Venkata Ramana, Aged about 70 years, Occ: House wife, R/o.H.No.6-21, Gompa Village, Ravikamatam Mandal, Anakapalli District.

Respondents

WHEREAS the Petitioners above named through their Advocate Sri V CH NAIDU, 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 FIR No.55/2024, dated 4.3.2024 on the file of II Town Police Station, Visakhapatnam and quash the same as against the Petitioners/Accused herein;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri V

CH NAIDU, 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:

Pentakota Padmavathi, W/o.Venkata Ramana, Aged about 70 years,
Occ: House wife, R/o.H.No.6-21, Gompa Village, Ravikamatam Mandal,
Anakapalli District.

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 03.02.2026, on which date the case stands posted for hearing.

IA NO: 2 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 grant interim stay of all further proceedings in FIR No.55/2024, dated 4.3.2024 on the file of II Town Police Station, Visakhapatnam, as against the Petitioners/Accused herein, including the arrest of the Petitioners herein, pending disposal of CRLP No. 12443 of 2025, on the file of the High Court.

The Court made the following ORDER:

Heard the learned Senior Counsel assisted by the learned counsel for the petitioners on record. 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*¹ reported in (2014)

¹(2014) 8 SCC 273

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.

Issue notice to Respondent No.2.

Learned counsel for the Petitioner is permitted to take out personal notice on Respondent No.2 through RPAD/Courier and file proof of the same.

List the matter on 03.02.2026.

SD/- B.PRASAD RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. The Station House Officer, II Town Police Station, Visakhapatnam
2. Pentakota Padmavathi, W/o.Venkata Ramana, Aged about 70 years,
Occ: House wife, R/o.H.No.6-21, Gompa Village, Ravikamatam Mandal,
Anakapalli District. (by RPAD- along with a copy of petition and
memorandum of grounds)
3. One CC to SRI. V CH NAIDU Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

KJ

HIGH COURT

DR.VJP,J

DATED:02/12/2025

LIST THE MATTER ON 03.02.2026

NOTICE BEFORE ADMISSION

CRLP.No.12443 of 2025

DIRECTION

