

[3396]



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

:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 12555 OF 2025

Between:

1. H.Md.Imran, S/o. Late.H.Md.Iqbal,aged 39 years,
Occ.Business,R/o.H.No.45-85-3-1 ,Narasimhareddy Nagar,Kurnool
City,Kurnool District. A-1
2. Wajahath Ali, S/o. Late. Shujath Ali,aged 47 years,
Occ.Business,R/o.H.No.54/111 ,Khalla Street,Near Fruit Market,Kurnool
City,Kurnool District. A-2
3. Syed Mohammed Hussain alias Zulfi, S/o. Late Syed Khuyum
Hussain,aged 50 years, Occ. Business,R/o. 41-441-A, Kothapeta,Raitu
Bazar, Kurnool City, Kurnool District. A-3
4. Shaik Malik Basha alias Kokila Basha, S/o Late. S. Mahaboob
Saheb,aged about 57 years, Occ Agriculture/Business,R/o H.N0.57-66-
D7, Ranga Reddy Street,Kurnool City, Kurnool District. A-4

... Petitioners/Accused Nos.1 to 4

AND

1. The State of Andhra Pradesh, Rep. by Public Prosecutor, Through
SHO, P.S. Kurnool Taluk, Kurnool, High Court at Amaravathi, Guntur
District.
2. S Mohammed Naseeruddin, S/o.S.Md. Zaheeruddin,Aged 38 years,
Occ. Business,R/o. H.No.1/316, Medam Vari Street, Kurnool City,
Kurnool District.

.... Respondents/Complainants

WHEREAS the Petitioners/Accused Nos.1 to 4 above named through their Advocate SRI CHALLA SIVASANKAR presented this Petition under Section 528 of BNSS, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to quash the FIR No. 415 /2025, dated. 25-11-2025, U/s. 308(2), 329(3), 324(4), 115(2) r/w 3(5) BNS on the file of P.S.Kurnool Taluk, Kurnool District against the Petitioners/Accused Nos.1 to 4.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri CHALLA SIVASANKAR Advocate for the Petitioners, Assistant 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 Mohammed Naseeruddin, S/o.S.Md. Zaheeruddin,Aged 38 years, Occ. Business,R/o. H.No.1/316, Medam Vari Street,Kurnool City, Kurnool District.

are be and hereby directed to show cause either appearing in person or through an advocate on or before 12.02.2025 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

IA NO: 2 OF 2025

Petition under Section 528 of BNSS, 23 / 482 of CrPC 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 FIR No. 415 /2025, dated. 25-11-2025, U/s. 308(2), 329(3), 324(4), 115(2) r/w 3(5) BNS on the file of P.S.Kurnool Taluk, Kurnool District against the

Petitioners/Accused Nos.1 to 4 including the arrest of the Petitioners, , pending disposal of CRLP No. 12555 of 2025, on the file of the High Court.

The Court made the following: ORDER

Heard the learned counsel for the Petitioners/accused Nos.1 to 4.

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) 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 12.02.2025.

**Sd/- N. NAGAMMA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

¹(2014) 8 SCC 273

To,

1. The SHO, P.S. Kurnool Taluk, Kurnool.
2. S Mohammed Naseeruddin, S/o.S.Md. Zaheeruddin, Aged 38 years, Occ. Business,R/o. H.No.1/316, Medam Vari Street,Kurnool City, Kurnool District. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. CHALLA SIVASANKAR Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
5. **One spare copy**

ksr

HIGH COURT

DR.VJP, J

DATED:04/12/2025

List the matter 12.02.2025.

NOTICE BEFORE ADMISSION

CRLP.No.12555 of 2025

DIRECTION

