



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 12577/2025

Between:

1.NETHI MAHESWARA RAO, S/O KOTAIAH, AGED ABOUT 46 YEARS,
OCCAGRICULTURE, R/O KUNIPALEM VILLAGE, KANDUKUR
MANDAL, SRI POTTI SRIRAMULUNELLORE DISTRICT, ANDHRA
PRADESH - 524 203

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC
PROSECUTOR, HIGH COURT OF A.P.,AMARAVATI, GUNTUR
DISTRICT, THROUGH THE STATION HOUSE
OFFICER,KANDUKURU RURAL POLICE STATION, KANDUKUR
MANDAL, SRI POTTISRIRAMULU NELLORE DISTRICT,ANDHRA
PRADESH.

2.PODAPATI MAHESH, S/O MALYADRI, AGED ABOUT 36 YEARS,
R/OKONDAMUDUSUPALEM VILLAGE, KANDUKUR MANDAL, SRI
POTTI SRIRAMULUNELLORE DISTRICT, ANDHRA PRADESH.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS
praying that in the circumstances stated in the Memorandum of Grounds of
Criminal Petition, the High Court pleased to quash the FIR in Crime No.
109/2025 dated 23.07.2025 registered for the offence u/s Sections 196(1),
352, 353(1)(c), 351(3) BNSS by the Kandukuru Rural Police Station, Sri Potti
Sriramulu Nellore District and pass

IA NO: 1 OF 2025

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the original certified copy of Crime No. 109/2025 dated 23.07.2025 on the file of Kandukuru Rural P.S., Sri Potti Sriramulu Nellore District, before this Hon'ble Court and pass

IA NO: 2 OF 2025

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay the FIR in Crime NO.109/2025 dated 23.07.2025 registered for the offence u/s Sections 196(1), 352, 353(1)(c), 351(3) BNSS by the Kandukuru Rural Police Station, Sri Potti Sriramulu Nellore District and pass

Counsel for the Petitioner/accused:

1.JADA SRAVAN KUMAR

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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ORDER:

The instant Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C')/under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') has been filed by the Petitioner/Accused, seeking quashment of the proceedings pending against him in Crime No. 109 of 2025 dated 23.07.2025 on the file of Kandukuru Rural P.S., Sri Potti Sriramulu Nellore District, registered for the offences punishable under Sections 196(1), 352, 353(1)(c), 351(3) of BNS.

2. Heard Sri Jada Sravan Kumar, learned Counsel for the Petitioner and Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor on behalf of the State.

3. Learned counsel for the Petitioner would submit that the petition may be disposed of by giving protection to the Petitioner *vide* guidelines of the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***¹.

4. Learned Assistant Public Prosecutor, on instructions, would submit that the offences registered against the Petitioner are punishable with less than seven years period of imprisonment and necessary direction may be given to the concerned Station House Officer.

5. Considering the submissions, this Criminal petition is disposed of with the following;

¹ (2014) 8 SCC 273

- a. Investigating Officer is at liberty to complete the investigation, in accordance with law.
 - b. In the event of any coercive action sought to be taken against the Petitioner, concerned police authorities are directed to scrupulously follow the procedure prescribed under Section 35 (3) of BNSS., [Section 41-A Cr.P.C] and the guidelines laid down by the Hon'ble Supreme Court in *Arnesh Kumar's case (supra)*.
6. It goes without saying that, if any charge sheet is filed in the above crime, the Petitioner is at liberty to challenge the charge sheet, if he feels aggrieved by the same.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 04.12.2025.
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HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

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Dated.04.12.2025

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