

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE SIXTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 34 OF 2026

Between:

Thota David Raju, S/o. Antony, Aged about 45 years, Occ: Evangelist, R/o. Flat No.304 S.V.Residency Home, New Ramakrishna Colony, Near Gowthami School, Mylavaram, NTR District.

...Petitioner/Accused No.1

AND

1. The State of Andhra Pradesh, Represented by Public Prosecutor, High Court of A.P., At Amaravathi.

...Respondent

2. Shaik Dasthagiri Saheb, S/o. (late) Shaik Mahaboob Basha, Aged about 62 years, Occ: Business, R/o. D.No.279, Balaji Nagar, Rajampeta, Annamayya District.

...Respondent/Defacto - Complainant

WHEREAS the Petitioner above named through his Advocate Sri MOHANNAIR RAJEEV KUMAR presented this Petition under Section 528 of BNSS, 2023 is filed praying that in the circumstances stated in the memorandum of grounds of criminal petition, the High Court may be pleased to quash the FIR and all further proceeding in Crime No.275/2025 on the file of Rajampet (U) P.S., Annamayya District for the Offences U/S 406, 420 r/w 34 of IPC against the Petitioner / Accused No.1;

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

Sri Mohannair Rajeev Kumar, Advocate for the Petitioner and 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:

Shaik Dasthagiri Saheb, S/o. (late) Shaik Mahaboob Basha, R/o.

D.No.279, Balaji Nagar, Rajampeta, Annamayya 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 grounds filed therewith (copy enclosed) this CRLP should not be admitted 17.02.2026 for which date the case stands posted for hearing;

IA NO: 1 OF 2026:

Petition under Section 528 of BNSS, 2023 is filed praying that in the circumstances stated in the memorandum of grounds of criminal petition, the High Court may be pleased to grant stay of all further proceedings including appearance of the Petitioner/Accused No.1 in Crime No.275/2025 on the file of Rajampet (U) P.S., Annamayya District for the Offences U/S 406, 420 r/w 34 of IPC, pending disposal of CRLP No.34 of 2026, on the file of the High Court.

The Court made the following:

ORDER:

Heard the learned counsel for the Petitioner(s).

Learned Assistant Public Prosecutor takes notice for the State.

Learned counsel for the Petitioner 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, since

¹ (2014) 8 SCC 273

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 Speed Post/Courier and file proof of the same.

List the matter on 17.02.2026.

Sd/- T.Srinivasa Rao
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Station House Officer, Rajampet (U) P.S., Annamayya District
2. Shaik Dasthagiri Saheb, S/o. (late) Shaik Mahaboob Basha, R/o. D.No.279, Balaji Nagar, Rajampeta, Annamayya District. (by **RPAD**- along with a copy of petition and memorandum of grounds)
3. One CC to Sri. Mohannair Rajeev Kumar, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy



HIGH COURT

Dr.VJP,J

DATED:06/01/2026

LIST THE MATTER ON 17.02.2026

NOTICE BEFORE ADMISSION

CRLP.No.34 of 2026

DIRECTION

