



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

[3396]

MONDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 13648/2025

Between:

- 1.K REVATHI, W/O. K CHANDRA BABU, AGED 30 YEARS,R/O. THAYARAMMA STREET, RAYALPETA VILLAGE POST,PEDDAPANJANI MANDAL, CHITTOOR DISTRICT.
- 2.ERREBOYANI MADHAN MOHAN ALIAS MADHAN, S/O SANKARAI AH, AGED 20 YEARSR/O. 788, EGUVA BESTHA PALLI,MANGALAMPETA VILLAGE, PULICHERLA MANDAL,CHITTOOR DISTRICT.
- 3.K SUKESH, S/O. K LAKSHMI NARAYANA, AGE 24 YEARS,R/O. KOTA VEEDHI, RAYALPETA VILLAGE AND POST,PEDDAPANJANI MANDAL, CHITTOOR DISTRICT.
- 4.PYRU CHANDRA SEKHAR, S/O KASEESWARUDU, AGED 32 YEARSR/O. 2-94, BALAJI STREET, RAYALAPETA POST,PEDDAPANJANI STREET, CHITTOOR DISTRICT.

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY S.H.O, PANJANI POLICE STATION,CHITTOOR DISTRICT,THROUGH PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AMARAVATHI.
- 2.T LAKSHMI NARAYANA, S/O. T LAKSHMANNA, AGE 38 YEARS,R/O. RAYALPETA VILLAGE,PEDDAPANJANI MANDAL, CHITTOOR DISTRICT.

...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 Courtpleased to to quash the criminal proceedings against the petitioners/A2 to A5 in Crime No. 119 of 2025 on the file of Panjani Police Station, Chittoor 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 pleased to dispense with the filing of certified copy of FIR in Crime No. 119 of 2025 dated 20-09-2025 on the file of Panjani Police Station, Chittoor District 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 pleased to stay of all further proceedings against the petitioners/A2 to A5 in Crime No. 119 of 2025 on the file of Panjani Police Station, Chittoor District and pass

Counsel for the Petitioner/accused(S):

1.SIVA NAGARJUNA SIDHADAPU

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 13648/2025

ORDER:

The instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita has been filed, by the Petitioner/A.2 to A.5 seeking quashment of the proceedings against them in Crime No. A2 to A5 in Crime No. 119 of 2025 on the file of Panjani Police Station, Chittoor District for the offence punishable under Sections 316(2), 318(4), 351(2), 61(2), 111(2)(b) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Sri Siva Nagarjuna Sidhadapu, learned counsel for the Petitioners and Ms. K.Priyanka Lakshmi, learned Assistant Public Prosecutor for the State.

3. It is submitted by the learned counsel for the Petitioners and acceded to, by the learned Assistant Public Prosecutor that the subject matter of this Criminal Petition is squarely covered by the similar orders passed by this Court in Criminal Petition No.7000 of 2025, dated 21.08.2025.

4. For ready reference, the order passed in Criminal Petition No. 7000 of 2025, wherein, it was held at paras 12 to 15 as under:

"12. No FIR shall be registered by invoking Section 111 of the BNS in respect of offences alleged to have been committed prior to 01.07.2024, the date on which BNS came into force. However, charge-sheets filed and cognizance orders taken in respect of offences committed within the preceding ten years prior to the commencement of the BNS, i.e., before 01.07.2024, may be taken into consideration for the purpose of invoking Section 111 of the BNS, provided that a subsequent offence is committed on or after 01.07.2024.

13. In view of the aforesaid legal position, both the Courts and the police are required to exercise heightened caution while invoking Section 111 of BNS. Invocation of the said provision must be supported by material sufficient to demonstrate prima facie satisfaction of the statutory requirements. The police shall not register an offence under Section 111 of the BNS in a mechanical, casual or routine manner. They shall conduct due enquiry into the criminal antecedents of the accused and shall invariably enclose copies of the charge-sheets filed and the cognizance orders passed against the accused within the preceding ten years. Further, any application or requisition filed by the Investigating Officer seeking permission of the Court to invoke Section 111 of the BNS shall be accompanied by necessary documents and material which, prima facie, establish the need to invoke the offence punishable under Section 111 of the BNS. Only upon consideration of such material shall Section 111 of the BNS be invoked.

14. In the instant case, it is an admitted fact that no charge-sheets have been filed against the Petitioners within the preceding ten years, which is a mandatory prerequisite to invoke Section 111 of BNS. As such, the question of taking cognizance does not arise. In that view, this Court holds that Section 111(2)(b) of BNS is not attracted against the Petitioners. However, considering the prima facie allegations with respect to the remaining offences, the investigation shall proceed in accordance with law.

15. Accordingly, the Criminal Petition is partly allowed. The proceedings against the Petitioners in Crime No.15 of 2025 on the file of Panjani Police Station, Chittoor District, insofar as the offence punishable under Section 111(2)(b) of BNS is concerned, are hereby quashed. However, the investigation in respect of the offences punishable under Sections 318(4), 316(2), 351(2), 61(2) read with Section 3(5) of BNS shall continue.”

5. Hence, following the said Orders passed by this Court in Criminal Petition No.7000 of 2025, dated 21.08.2025, and taking into consideration of the facts and circumstances of the case, this criminal petition is partly allowed by quashing the proceedings against the petitioners in FIR No.119 of 2025, on the file of Panjani Police Station, Chittoor District insofar as the offence punishable under Section 111(2)(b) of BNS is concerned, are hereby quashed. However, the investigation in respect of the offences punishable under Sections 318(4), 316(2), 351(2), 61(2) read with Section 3(5) of BNS shall continue.

6. In the result, the Criminal Petition is partly allowed.

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

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 05.01.2026.

KKV

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

MAIN CASE NO.: CRIMINAL PETITION NO: 13648/2025

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
1	05.01.2026	<u>Dr.VJP,J</u> The Criminal Petition is partly allowed. <i>(Vide separate order)</i> _____ Dr.VJP, J <i>KKV</i>	

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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CRIMINAL PETITION NO: 10077/2025

Date: 05.01.2026
KKV