



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

**[3521]**

THURSDAY, THE NINTH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**WRIT PETITION NO: 8746/2026**

**Between:**

1. NUTHALAPATI SRINIVASA RAO, S/O NUTHALAPATI KRISHNARJUNA RAO, AGED ABOUT 55 YEARS, PERMANENT RESIDENT OF 2/1 ANNAPURNA NAGAR, GORANTLA, GUNTUR, PRESENTLY RESIDING AT FLAT NO. 504, RAMA HEIGHTS APARTMENT, TARAKA RAMA NAGAR, JKC COLLEGE ROAD, GUNTUR.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, DEPARTMENT OF HOME, REP. BY ITS PRINCIPAL SECRETARY, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI - 522237.
2. THE DIRECTOR GENERAL OF POLICE, DGP OFFICE MANGALAGIRI, MANGALAGIRI, GUNTUR DISTRICT, ANDHRA PRADESH. -522503
3. THE SUPERINTENDENT OF POLICE, GUNTUR DISTRICT. 522004
4. THE DEPUTY SUPERINTENDENT OF POLICE, SOUTH SUB-DIVISION, GUNTUR, GUNTUR DISTRICT. -522004
5. THE STATION HOUSE OFFICER, NALLAPADU POLICE STATION, GUNTUR DISTRICT. -522004

**...RESPONDENT(S):**

**Counsel for the Petitioner:**

1.NUTHALAPATI MOHAN

**Counsel for the Respondent(S):**

1.GP FOR HOME

**The Court made the following:****ORDER:**

The Writ Petition has been filed under Article 226 of the Constitution of India seeking the following relief:-

*“...to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 5th respondent in not investigating the Crime No. 1160 of 2025 registered on 06-11-2025 of Nallapadu Police Station, Guntur District., as arbitrary, illegal, unjust and violative of Fundamental Rights guaranteed by the Constitution of India, as well as violative of Principles of Natural Justice. And (B) Consequently strictly direct the 5th respondent to act progressively, arrest the accused persons and investigate the Crime.No. 1160 of 2025 on the file of Nallapadu Police Station, Guntur., and to take necessart steps pursuant to the above said crime by filing the report within a stipulated time period...”*

2. Heard the learned counsel for the Petitioner and the learned Assistant Government Pleader.

3. Mr.Nuthalapati Mohan, learned counsel for the Petitioner, submits that even though a case was registered on 06.11.2025 vide Cr.No.1160 of 2025 of Nallapadu Police Station, Guntur District, for the alleged offences punishable under Sections 61(1), 109(1), 303(2), 316(2), 318(4), 351(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS') and 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Respondent No.5 has not conducted the investigation in proper lines and has not culminated the case in appropriate proceedings.

4. Sri P.Ajay Babu, learned Assistant Government Pleader, on written instructions, submits that the investigation is at progressive stage, charge Sheet would be filed after completion of the investigation.

5. Be that as it may, the Respondent No.5 is duty bound to conduct a thorough, fair, impartial and effective investigation and conduct the investigation to the logical end as per the procedure.

6. In this regard, it is apposite to refer the judgment of the Hon'ble Apex Court in **A. Shankar v. State**<sup>1</sup>, wherein at paragraph Nos. 15 and 20, it is held as under:

*15. If the high court directs, at a stage prior to conclusion of investigation, that a charge-sheet has invariably to be filed upon closure of investigation in a particular case irrespective of what the materials are which have been collected during investigation and without allowing the investigating officer to form his own opinion as regards the next course of action, that would take away the discretion of such officer and he would be left with no other option but to proceed in the direction as required by the high court under pain of threat of contempt. Other than very extreme cases, the high courts ought to exercise restraint and not issue such directions which foreclose the discretion of the executive.*

*20. However, if the high court proceeds to make a direction that charge-sheets should be filed upon conclusion of investigation or that a trial should be concluded within a particular time-frame, without even attempting to ascertain the stage the trial has reached, the consequence of such an order could be far-reaching. The concept of a fair trial could be rendered a casualty. Directions of the nature made by the learned Judge amounts to improper exercise of writ jurisdiction and such an approach cannot but be disapproved by us.*

7. Therefore, in **A. Shankar supra**, the Hon'ble Supreme Court held that the High Court should not, at the stage of investigation, direct the filing of a charge-sheet, as it would curtail the discretion of the Investigating Officer and amount to an improper exercise of jurisdiction. It was further held that issuing directions to file charge-sheets or to conclude trials within a fixed timeframe,

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<sup>1</sup> 2026 SCC OnLine SC 120

without considering the stage of the proceedings, may prejudice a fair trial and is liable to be disapproved.

8. Considering the facts and circumstances of the case, Respondent No. 5 is directed to expedite the process of investigation in Crime No. 1160 of 2025 of Nallapadu Police Station, Guntur District, at the earliest possible, and to file appropriate proceedings before the Jurisdictional Magistrate in accordance with law.

9. The learned counsel for the Petitioner submits that, despite the lapse of five months since the report was lodged, Respondent No. 5 has not bestowed due attention to the facts and circumstances of the case and has not conducted the investigation on proper lines.

10. Therefore, Respondent No.3/the Superintendent of Police, Guntur District, is directed to monitor the investigation conducted by Respondent No.5 and to verify whether the investigation is being carried out in accordance with law and on proper lines.

11. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

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**DR. Y. LAKSHMANA RAO, J**

Date: 09.04.2026  
PRA

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**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**WRIT PETITION No.8746 of 2026**

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PRA