APHC010035952024

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE 18th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 470 OF 2024

Between:

1. Smt. Kousar Begum, W/o Md. Sattar @ Sattar, Muslim, female, 65 years, R/o D.No. 2-27, H/o Buddana Prasad Vegiwada (V), Pedavegi (M), West Godavari (Eluru) Dist.
2. Md. Sattar @ Sattar,, S/o Suleman, Muslim, male, 67 years. Retd. Veterinary Livestock Officer, R/o D.No. 2-27, H/o Buddana Prasad Vegiwada (V), Pedavegi (M), West Godavari (Eluru) Dist.

...Petitioners

AND

1. Smt Sanamadara Divya Jyothi, W/o Mohammad Gouse Basha, (D/o Sanamadara Kantha Rao) Fenakem aged 30 tearsm R/o D.No. 11-1-86, Amma Nilayam Munif Street, Jangareddigudem West Godavari (Eluru) District.
2. The State, SHO, J.R. Gudem PS Eluru Dist. Rep. thro its Public Prosecutor, High Court of Andhra Pradesh, Amaravathi, Guntur Dt.

...Respondents

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 proceedings in DVC No. 3/2023 on the file

of the Hon'ble Judicial I Class Magistrate Court, Jangareddigudem, Eluru District, Andhra Pradesh, as against the petitioners/R-3&R-4 herein and pass

IA NO: 1 OF 2024

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 filling of the certified copies of the DVC.No.3/2023 on the file of Hon'ble JFCM Court, Jangareddigudem, Eluru District, Andhra Pradesh and pass

IA NO: 2 OF 2024

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 grant stay of all further proceedings including personal appearance of the petitioners/respondents 3&4, in DVC No.3/2023 on the file of Hon'ble JFCM Court, Jangareddigudem, Eluru District, Andhra Pradesh pending disposal of the main Criminal Petition and pass

Counsel for the Petitioners: B V KRISHNA REDDY

Counsel for the Respondents: PUBLIC PROSECUTOR (AP)

Counsel for the Respondents:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO:470 of 2024

The Court made the following Order:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the petitioners herein, seeking to quash the proceedings in DVC No.3 of 2023 on the file of the learned Judicial First-Class Magistrate, Jangareddigudem.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor appearing on behalf of respondent No.2-State.

3. Learned counsel for the petitioners, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioners before the trial Court by submitting petitioners' practical constraints in attending before the trial Court and states that petitioners shall not dispute their identity at a later stage of proceedings.

4. On the other hand, learned Assistant Public Prosecutor contended that specific accusations have been made as against the petitioners herein and truth or otherwise of the said

accusations has to be decided during the course of trial, hence, there are no grounds to quash the proceedings at this stage. So far as dispensing with the presence of the petitioners, before the trial Court, he has not opposed the same.

5. Since there are specific accusations that have been made as against the petitioners herein, which are all disputed questions of fact, the same can be decided during the course of trial, and this Court, in a petition filed under Section 528 of BNSS, 2023 corresponding to Section 482 Cr.P.C., would not be in a position to conduct roving enquiry into the disputed questions of fact and quash the proceedings at this stage.

6. In this context, it is apt to note the dictum held in ***State of Uttar Pradesh and Another Vs. Akhil Sharda and Others***[1], by the Apex Court in its vivid terms in the following way:

> *7. Having gone through the impugned judgment and order passed by the High Court by which the High Court has set aside the criminal proceedings in exercise of powers under Section 482 Cr.P.C., it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482 Cr.P.C. As observed and held by this Court in a catena of decisions no mini trial can*

[1] 2022 LiveLaw (SC) 594

be conducted by the High Court in exercise of powers under Section 482 Cr.P.C., jurisdiction and at the stage of deciding the application under Section 482 Cr.P.C., the High Court cannot get into appreciation of evidence of the particular case being considered.

7. In ***Vishal Shah Vs. Monalisha Gupta & Ors.***[2], Hon'ble Apex Court has observed that there is no requirement for the personal appearance of any party in the proceedings under the Domestic Violence Act, 2005, because they are *quasi*-criminal in nature and do not entail any penal consequences, except when there is a breach of a protection order, which is the only offence provided under Section 31 of the Domestic Violence Act, 2005.

8. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners herein. However, due to ground realities submitted by the counsel for the petitioners, presence of the petitioners herein before the learned Judicial First-Class Magistrate, Jangareddigudem, in DVC No.3 of 2023 is hereby dispensed with, except on those dates when the learned trial Court feels that their presence is necessary. In the event of failure of the petitioners to appear when the trial Court specifically directs, this

[2] 2025 Live Law (SC) 240

Order shall stands automatically revoked, without recourse to this Court.

9. Accordingly, the Criminal Petition is disposed of.

10. Needless to state that the petitioners are at liberty to raise all the grounds before the trial Court.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 18.08.2026
PSA

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO:470 of 2024

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