APHC010048522024

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE 13th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 599 OF 2024

Between:

1. DANDUPALLI MAJUNATHA, S/o. D.Venkatramana, Aged about 34 years, Occ Business, R/o. Navabkota Village, PTM Mandal, Annamayya District erstwhile Chittoor District.

2. Dandupalle Venkataramana,, S/o. Lakshamanna, Aged about 59 years, OCc Culitivation, R/o.D.No. 16-56, Navabkota Village, PTM Mandal, Annamayya District erstwhile Chittoor District.

3. Dandupalle Venkataramanamma,, W/o. D.Venkataramana, Aged about 56 years, Occ Culitivation, R/o.D.No. 16-56, Navabkota Village, PTM Mandal, Annamayya District erstwhile Chittoor District.

4. Dandupalle Mamatha,, D/o. Venkataramana, Aged about 32 years, Occ Culitivation, R/o.D.No. 16-56, Navabkota Village, PTM Mandal, Annamayya District erstwhile Chittoor District.

...Petitioners

AND

1. THE STATE OF AP, rep. by its Public Prosecutor, High Court at Amaravati, through The Sub Inspector of Police, PTM Police Station, Annamayya District.

2. S Priyanka, W/o.Dandupalli Manjunatha, Aged about 33 years, Occ Student, R/o. Navabkota Village, PTM Mandal, Annamayya District erstwhile Chittoor District.

...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 Courtpleased to quash the proceedings in C.C.No.276 of 2022 on the file of the Honhle Judicial Magistrate of First-Class, Thamballepalle, Annamayya District erstwhile Chittoor District against the petitioner herein and to 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 the filing of the certified copy of C.C.No.276 of 2022 on the file of the Honhle Judicial Magistrate of First-Class, Thamballepalle, Annamayya District erstwhile Chittoor District 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 in C.C.No.276 of 2022 on the file of the HonTDle Judicial Magistrate of First-Class, Thamballepalle, Annamayya District erstwhile Chittoor District pending disposal of Criminal Petition, and to pass

Counsel for the Petitioners: P NARAHARI BABU

Counsel for the Respondents: PUBLIC PROSECUTOR (AP)

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO:599 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 CC No.276 of 2024 on the file of the learned Judicial Magistrate of First-Class, Thamballepalle, for the offences punishable under Sections 495, 498A, 420 and 506 read with 109 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor appearing on behalf of respondent No.1-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*

[1] 2022 LiveLaw (SC) 594

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 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. 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 (Accused) before the learned Judicial Magistrate of First-Class, Thamballepalle, in CC No.276 of 2022 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 Order shall stands automatically revoked, without recourse to this Court.

8. Accordingly, the Criminal Petition is disposed of.

9. 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: 13.08.2026
PSA

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 599 of 2024

Date: 13.08.2026

PSA