APHC010080172024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY, THE 3rd DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 960 OF 2024

Between:

1. Laksmi Devi,, W/o. D.Raju, Aged about 48 years, Occ Housewfie, R/o. D.No. 91, 14th Block Type-1, Nimhans Quarters, Byrasandra, Jayanagar, 1st Block East, Bangalore, Karnataka State, Now at H.No. 4, Kaneshumari No.54/2, Honga Sandra Village, Garve Bhavi Palya, Dakhle Begur, Hobili, Bangalore, Karnataka State.

2. D.Raju,, S/o. late. Penchalaiah Aged about 60 years, Occ Retired Employee, R/o. D.No. 91, 14th Block Type-1, Nimhans Quarters, Byrasandra Jayanagar, 1st Block East, Bangalore, Karnataka State, Now at H.No. 4, Kaneshumari No.54/2, Honga Sandra Village, Garve Bhavi Palya, Dakhle Begur, Hobili, Bangalore, Karnataka State.

3. R.Prashanth Kumar,, S/o. D.Raju, Aged about 29 years, Occ Internship in TESCO , R/o. D.No. 91, 14th Block Type-1, Nimhans Quarters, Byrasandra Jayanagar, 1st Block East, Bangalore, Karnataka State, Now at H.No. 4, Kaneshumari No.54/2, Honga Sandra Village, Garve Bhavi Palya, Dakhle Begur, Hobili, Bangalore, Karnataka State.

4. R. Pradeep Kumar,, W/o. D.Raju, Aged about 26 years, Occ Internship in Cipla, R/o. D.No. 91, 14th Block Type-1, Nimhans Quarters, Byrasandra Jayanagar, 1st Block East, Bangalore,

Karnataka State, Now at H.No. 4, Kaneshumari No.54/2, Honga Sandra Village, Garve Bhavi Palya, Dakhle Begur, Hobili, Bangalore, Karnataka State

...Petitioners

AND

1. The state of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of A.P.Hyderabad.

2. Veepuri Devi Priya, W/o. Praveen Kumar Raju, Aged about 29 years, OccHousewife, R/o. D.No. 6/900-B4, Mastan Peta, Guntakal Town, Anantapur 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 call for the records pertaining to and in connection with CC No. 330 of 2023 On the file of the Court of the Judicial First Class Magistrate, Guntakal, anantapuramu District and quash the same in sofar as petitioners concerned and pass

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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 all further proceedings including appearance of the petitioners in CC No. 330 of 2023 On the file of the Court of the Judicial First Class Magistrate, Guntakal, Anantapuramu District pending disposal of the Criminal Petition before this Hon'ble Court, and pass

Counsel for the Petitioners: SHAIK MEERAVALI

Counsel for the Respondents: PUBLIC PROSECUTOR (AP)

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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ORDER:-

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioners herein (A2 to A5), seeking to quash the proceedings in C.C. No.330 of 2023 on the file of the Judicial First Class Magistrate, Guntakal, Anantapuramu District, for the offences registered under sections 498-A read with Section 34 of the Indian Penal Code, 1860.

2. Heard learned counsel for petitioners and Sri K. Sandeep, learned Assistant Public Prosecutor appearing on behalf of respondent No.1-State.

3. Learned counsel for petitioners, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioners (A2 to A5) 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 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*

[1] 2022 LiveLaw (SC) 594

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 petitioners herein (A3 to A5) before the II Additional Judicial Magistrate of First Class, Nellore in C.C.No.46 of 2026 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.

As a sequel, all pending applications shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 03.09.2026
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