APHC010453472026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3504]**
(Special Original Jurisdiction)

TUESDAY, THE 1st DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 7569/2026

Between:

1. MADDIMSETTI KARUNA KUMAR, S/O VEERA VENKATA SATYANARAYANA, AGED ABOUT 43 YEARS, MPP SCHOOL, MATTAVANI CHERUVU, YALAMANCHILI MANDAL, BURUGUPALLI POST, WEST GODAVARI DISTRICT

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARAVATI. THROUGH THE STATION HOUSE OFFICER, TANUKU RURAL P.S. POLICE STATION, WEST GODAVARI,
2. CHELASANI RAMA MOHANA RAO, S/O DHARMA RAO, AGED ABOUT 71 YEARS, RTD EMPLOYEE, D.NO. 5-88, POTHUNURU, DENDULURU MANDAL, ELURU DISTRICT.

...RESPONDENT/COMPLAINANT(S):

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 to Call for the records in C.C.No.271 of 2026 on the file of the Court of the learned Principal Civil Judge (Junior Division) cum Judicial 1st Class Magistrate, Eluru and quash the same in so far as the Petitioner is concerned

IA NO: 1 OF 2026

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 dispense with the filing of the certified copy in C.C No. 271 of 2026 on the file of the Court of the Principal Civil Judge (Junior Division) cum Judicial 1st Class Magistrate, Eluru pending disposal of this Criminal Petition before this Hon'ble Court

IA NO: 2 OF 2026

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 to stay all further proceedings including personal appearance of the Petitioner in C.C No. 271 of 2026 on the file of the Court of the Principal Civil Judge (Junior Division) cum Judicial 1st Class Magistrate, Eluru pending disposal of this Criminal Petition before this Hon'ble Court

Counsel for the Petitioner/accused:

1. M SRI ATCHYUT

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following Order:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein (Accused), seeking to quash the proceedings in C.C.No.271 of 2026 on the file of the Principal Civil Judge (Junior Division)-cum-Judicial First Class Magistrate, Eluru, wherein he was charged with the offences punishable under Sections 138(A) and 142 of the Negotiable Instruments Act, 1881.

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

3. Learned counsel for the petitioner, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioner (Accused) before the trial Court by submitting petitioner's practical constraints in attending before the trial Court and states that petitioner shall not dispute his 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 petitioner 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 petitioner, before the trial Court, he has not opposed the same.

5. Since there are specific accusations that have been made as against the petitioner 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 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 petitioner herein. However, due to ground realities submitted by the counsel for the petitioner, presence of petitioner herein (Accused) before the Principal Civil Judge (Junior Division)-cum-Judicial First Class Magistrate, Eluru, in C.C.No.271 of 2026 is hereby dispensed with, except on those dates when the learned trial Court feels that

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his presence is necessary. In the event of failure of the petitioner 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 petitioner is at liberty to raise all the grounds before the trial Court.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

MAHESWARA RAO KUNCHEAM, J

Dated: 01.09.2026
MDP