APHC010454412026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE 1st DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 7588 OF 2026

Between:

1. Mamidi Sanjeev Kumar, S/o Late Venkata Rao aged about 42 years Occ agricultureR/o Durga Temple Colony, Sompeta Town/Mandal, Srikakulam district

...Petitioner

AND

1. The State of Andhra Pradesh, Rep by SHO, Sompeta, Srikakulam District,Through Public Prosecutor,High Court of A.P,Amaravathi.
2. Mamidi Kalavathi, w/o Mamidi Sanjeev Kumaraged about 26 years Occ House wifeR/o Durga Temple Colony, Sompeta Town/Mandal, Srikakulam 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 Courtto quash the charge sheet in CC.N0.238 OF 2026 on the file of the Honble Court of the Judicial Magistrate of First Class at Sompeta, Srikakulam District

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 to dispense with the filing of the certified copies in CC.N0.238 OF 2026 on the file of the Hon'ble Court of the Judicial Magistrate of First Class at Sompeta, Srikakulam District

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 of all further proceedings in CC.N0.238 OF 2026 on the file of the Hon'ble Court of the Judicial Magistrate of First Class at Sompeta, Srikakulam District

Counsel for the Petitioner: TOTA TEJESWARA RAO

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 7588 of 2026

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 petitioner herein (Accused), seeking to quash the proceedings in CC No.238 of 2023 on the file of the learned Judicial Magistrate of First Class, Sompeta, for the offences punishable under Sections 85 and 181(1) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the petitioner and 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 before the trial Court by submitting petitioner's practical constraints in attending before the trial Court and states that petitioner 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 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*

[1] 2022 LiveLaw (SC) 594

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 the petitioner (Accused) before the learned Judicial Magistrate of First Class, Sompeta, in CC No.238 of 2026 is hereby dispensed with, except on those dates when the learned trial Court feels that 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.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 01.09.2026
PSA

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 7588 of 2026

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PSA