APHC010260432025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

WEDNESDAY, THE 11th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 5531 OF 2025

Between:

1. THADIMALLA VENKATESWARLU, S/o Lakshmi Narsu, aged about 32 years, R/o Flat No. 103, Varshitha Paradise, Papaiah Layout, Horamavu, Bangalore, Karnataka

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, rep. by its Public Prosecutor, High Court of Andhra Pradesh, Nelapadu, Amaravati, Guntur District. Through the Sub Inspector of Police, Disha Women Police Station, Kakinada

2. Thadimalla Naga Harika Devi, w/o Thadimalla Venkateswarlu, aged about 26 years, R/o D.No.13-2-1F/57, Jaggayyacheruvu, Old Ganesh Temple, Pithapuram, Kakinada District, Andhra Pradesh

...RESPONDENT/COMPLAINANTs

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 Chargesheet in CC.No.991/2024 on the file of the Hon'ble Court of Hon'ble 1 Additional Judicial Magistrate First Class, Kakinada, East Godavari District against the Petitioner/Accused in the interests of justice, and pass

IA NO: 1 OF 2025

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 not filing the certified copy of the Chargesheet in CC.No.991/2024 on the file of the Hon'ble Court of Hon'ble 1 Additional Judicial Magistrate First Class, Kakinada, East Godavari District in the interests of justice pending disposal of the Criminal Petition and pass

IA NO: 2 OF 2025

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 grant stay of all proceedings in C.C.No.991/2024 on the file of the Hon'ble Court of Hon'ble 1st Additional Judicial Magistrate First Class, Kakinada, East Godavari District against the Petitioner/Accused and pass

Counsel for the Petitioner/accused: N BHARATH SIMHA REDDY

Counsel for the Respondent/complainants: PUBLIC PROSECUTOR

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 petitioner herein (A1), seeking to quash the proceedings in C.C No.991 of 2024 on the file of the I Additional Judicial Magistrate of First Class, Kakinada, East Godavari District, for the offences under Sections 498-A of Indian Penal Code, 1860, and Sections 3 and 4 of Dowry Prohibition Act, 1961.

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

3. Learned counsel for the petitioner submits that petitioner herein (A1) is a resident of Horamavu, Bangalore, Karnataka State and is eking out his livelihood by working in CBRE CISCO Company at Bangalore, Karnataka State and as such, it is difficult for him to attend the Court. Learned counsel, 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 the petitioner’s practical constraints in attending before the trial Court and states that the 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:

> *"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*

[1]2022 LiveLaw (SC) 594

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 and as petitioner herein (A1) is a resident of Horamavu, Bangalore, Karnataka State and is eking out his livelihood by working in CBRE CISCO Company at Bangalore, Karnataka State, presence of the petitioner herein (A1) before I Additional Judicial Magistrate of First Class, Kakinada, East Godavari District, in C.C No.991 of 2024 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 stand 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.

Pending interlocutory applications, if any, shall stand closed.

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JUSTICE MAHESWARA RAO KUNCHEAM

Date: 11.11.2026
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