APHC010275992026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3504]

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 4861/2026

Between:

1. MD INAYATULLA, S/O. LATE MD. OBEDULLAH, AGE 66 YEARS, RESIDING AT FLAT NO.301, KINGS COURT APARTMENT, MR PETA, VISAKHAPATNAM CITY - 530 002.
2. ADDUL RAHEEM,, S/O. MD. WARIS AGE 39 YEARS, RESIDING AT FLAT NO.309, KINGS COURT APARTMENTS, DASPALLA HILLS, MAHARANIPETA, VISAKHAPATNAM CITY - 530 002.
3. MD. IKRAM ULLAH,, S/O. MD. INAYATULLA, AGE 33 YEARS, RESIDING AT FLAT NO.301, KINGS COURT APARTMENT, MR PETA, VISAKHAPATNAM CITY - 530 002.
4. MD. INAM ULLAH,, S/O. MD. INAYATULLA, AGE 30 YEARS, RESIDING AT FLAT NO.301, KINGS COURT APARTMENT, MR PETA, VISAKHAPATNAM CITY - 530 002.
5. MD. NAJEE ULLAH,, S/O. MD. INAYATULLA, AGE 26 YEARS, RESIDING AT FLAT NO.301, KINGS COURT APARTMENT, MR PETA, VISAKHAPATNAM CITY - 530 002.
6. MD. ATHIQ ULLAH,, S/O. MD. INAYATULLA, AGE 24 YEARS, RESIDING AT FLAT NO.301, KINGS COURT APARTMENT, MR PETA, VISAKHAPATNAM CITY - 530 002.
7. MD. RIZWAN ULLAH,, S/O. MD. INAYATULLA, AGE 23 YEARS, RESIDING AT FLAT NO.301, KINGS COURT APARTMENT, MR PETA, VISAKHAPATNAM CITY - 530 002.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA

PRADESH, AMARAVATI.

2. SHAIK AMMAJI, W/O, LATE AHMED BABA, (SINCE DECEASED ISSUELESS AND WITHOUT LEGAL HEIRS) LAST KNOWN ADDRESS D.NO.11-59, MAHALAXMI NAGAR, BC COLONY, PENDURTHI MANDAL, VISAKHAPATNAM CITY - 530 051

...RESPONDENT/COMPLAINANT(S):

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 charge sheet in C.C.No.1211 of 2017 in Cr.No.608/2016 and all further proceedings on the file of the Add!. Metropolitan Magistrate, Visakhapatnam, insofar as they relate to the Petitioners/Accused A-1 to A-7 registered under Sections 509, 506(ii) r/w 34 IPC and pass

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 pleased to dispense with filing of the original certified copy of C.C.No.1211 of 2017 in Cr.No.60812016, dated on the file of Hon'ble I Addl. Metropolitan Magistrate, Visakhapatnam before this Hon'ble Court and pass

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 pleased to Grant Stay of all further proceedings in in C.C.No.1211 of 2017 in Cr.No.608/2016 on the file of the Hon'ble I Addl. Metropolitan Magistrate, Visakhapatnam, insofar as they relate to the Petitioners/Accused A-1 to A-7; including apperance of the petitioners,. and pass

Counsel for the Petitioner/accused(S):

1. PALLA BALU ANIL KUMAR

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION No: 4861 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 petitioners herein (A1 to A7), seeking to quash the proceedings in CC No.1211 of 2017 on the file of the learned I Additional Metropolitan Magistrate, Visakhapatnam, for the offences punishable under Sections 509 and 506(2) of the Indian Penal Code, 1860.

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 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.*

[1] 2022 LiveLaw (SC) 594

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 (A1 to A7) before the learned I Additional Metropolitan Magistrate, Visakhapatnam, in CC No.1211 of 2017 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: 06.10.2026
vnb

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 4861 of 2026

Date: 06.10.2026

vnb