APHC010348852024

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: 5622/2024

Between:

1. KAVULURI YOGESWARA RAO, S/O YOGI RAM MOHANA RAO, AGED ABOUT 38 YEARS, OCC- CULTIVATION AND BUSINESS R/O DR.NO._1-54, NTR STREET, SEETHARAMPURAM VILLAGE, NUZIVD MANDAL, ELURU DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF AP, REP BY P.P. HIGH COURT OF A.P. AT AMARAVATHI THROUGH THE S.H.O., NUZVID RURAL POLICE STATION. RESPONDENT
2. KATRAGADDA DAVULURI PRABHAVATHI, W/O VIJAYA KRISHNA, AGED 34 YEARS, OCC- EMPLOYEE R/O SEETHARAMPURAM VILLAGE NUZVID MANDAL, ELURU DISTRICT.

...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 grant stay of all further proceedings in CC No-396 of 2024 on the file of the Hon'ble 1st AddI Judicial First Class

Magistrate court Nuzvid including the appearance of the petitioner pending disposal of the Criminal Petition In the interest of justice and pass

IA NO: 1 OF 2024

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 further proceedings in CC No-396 of 2024 on the file of the Hon'ble 1st AddI Judicial First Class Magistrate court Nuzvid including the appearance of the petitioner pending disposal of the Criminal Petition In the interest of justice and pass

Counsel for the Petitioner/accused:

1. CH B R P SEKHAR

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION No: 5622 of 2024

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.396 of 2024 on the file of the learned I Additional Judicial First Class Magistrate Court, Nuzvid, for the offences punishable under Sections 354(D), 341 and 506 of the Indian Penal Code, 1860.

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 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.*

[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 petitioner herein. However, due to ground realities submitted by the counsel for the petitioner, presence of the petitioner herein (Accused) before the learned I Additional Judicial First Class Magistrate Court, Nuzvid, in CC No.396 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 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: 06.10.2026
vnb

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 5622 of 2024

Date: 06.10.2026

vnb