APHC010350492026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 5664 OF 2026

Between:

1. Kandula Brahmaiah, ,S/o. Jagannadham, Age 50 years, Occ Agriculture,R/o. Kunduruvaripalem Village, Muppalla Mandal, Guntur District.A.P.PIN.522408

...Petitioner

AND

1. The State of Andhra Pradesh, ,represented by the Public Prosecutor,High Court of Andhra Pradesh at Amaravati, through Station House Officer,Rajupalem Police Station, Guntur District.A.P.PIN.522412.

2. Kandula Anitha, W/o. Kandula Brahmaiah, D/o. Late Kankanampati Koteswara Rao, Age about43 years. Employee, presently residing at 335, Ridgewood Place, Fort ThomasKentucky, KY-41075, USA rep. by her duly authorised attorney Smt.Kankanampati Anur

...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 Courtpleased to call for the

records Culminated into charge sheet Tesey CC No.152 of 2021 on the file of the II Additional Civil Judge (Junior Division), Sattenapalli, registered for the offences under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act, 1961; and (A) QUASH CC No. 152 of 2021 insofar as the Petitioner / A-1 herein is concerned; and (D) Pass

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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 stay all further proceedings, including the trial, and all coercive steps in CC No. 152 of 2021, insofar as the Petitioner / A-1 herein is concerned; and pass

Counsel for the Petitioner: KARUMANCHI INDRANEEL BABU

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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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 petitioner herein (A1), seeking to quash the proceedings in C.C.No.152 of 2021 on the file of II Additional Civil Judge (Junior Division), Sattenapalli, for the offences under Section 498A of Indian Penal Code, 1860 read with 34 of Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor. Perused the record.

3. Learned counsel for petitioner submits that due to matrimonial misunderstandings between petitioner and respondent No.2, respondent No.2 initiated criminal proceedings against petitioner herein in FIR in Crime No.63 of 2021 of Rajupalem Police Station, Guntur. Subsequently, police filed charge-sheet under sections 498A of Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961, and same was numbered as C.C.No.152 of 2021 on the file of II Additional Civil Judge (Junior Division), Sattenapalli.

4. During the course of hearing, learned counsel for petitioner confined his arguments to the extent of expedite disposal of C.C.No.152 of 2021 on the file of II Additional Civil Judge, (Junior Division), Sattenapalli.

5. It is apt to note that way back in the year 1979 itself, Hon'ble Apex Court categorically in its vivid terms in ***Hussainara Khatoon Vs. State of Bihar***[1], held as under:

> *"Speedy trial is, as held by us in our earlier judgment dated 26th February, 1979, an essential ingredient of 'reasonable, fair and just' procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial of the accused."*

6. Recently, Hon'ble Apex Court in ***Kailash Chandra Kapri Vs. State of Uttar Pradesh & others***[2] at paragraph No.15 held as under:

> *"15. The Right to have a speedy trial is one of the requirements of Article 21 of the Constitution irrespective of the fact whether the accused is in jail or on bail and furthermore irrespective of the nature of the crime. This speedy trial is one of the requirements of Article 21 of the Constitution and from the facts and circumstances of a given case if the High court finds that the proceeding if allowed to continue will amount to violation of Article 21 of the Constitution then the High Court should not hesitate to exercise its inherent powers under Section528 of the BNSS 2023 or in exercise of its writ jurisdiction under Article 226 of the Constitution."*

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[1]AIR 1979 SC 1369
[2]2026 LiveLaw (SC) 487

7. Considering the peculiar facts and circumstances of the case, as the C.C. is of the year 2021 and in view of the fact that right to get speedy trial is an integral part of Article 21 of the Constitution of India and the same was vividly reiterated by the Hon'ble Apex Court, learned Trial Court is hereby directed to dispose of the case in C.C.No.152 of 2021 as expeditiously as possible, and submit a report to that effect to the Registrar (Judicial), High Court of Andhra Pradesh at Amaravati.

8. In the result, the Criminal Petition is disposed of.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 07.10.2026
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Date: 07.10.2026
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