APHC010350592026

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: 5669 OF 2026

Between:

1. Kandula Jagannadham, ,S/o. Seetharamaiah, Age 83 years, Occ Agriculture,R/o. Kunduruvaripalem Village, Muppalla Mandal, Guntur District.A.P.PIN.522408.

2. Kandula Bhushamma, ,W/o. Jagannadham, Age 77 years, Occ HouseholdR/o. Kunduruvaripalem Village, Muppalla Mandal, Guntur District.A.P.PIN.522408.

...Petitioners

AND

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

2. Kandula Anitha, , W/o. Kandula Brahmaiah, D/o. Late Kankanampati KoteswaraRao, Age about 43 years. Employee, presently residing at 335, RidgewoodPlace, Fort Thomas, Kentucky, KY-41075, USA rep. by her duly authorisedattorney Smt. Kankanampati Anu

...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 and 4 of the Dowry Prohibition Act, 1961 and (A) QUASH CC No. 152 of 2021 insofar as the Petitioners / A-2 and A-3 herein are concerned and (C) 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 stay all further proceedings, including the trial and all coercive steps in CC No. 152 of 2021, insofar as the Petitioners / A-2 and A-3 herein are concerned; and pass

Counsel for the Petitioners: KARUMANCHI INDRANEEL BABU

Counsel for the Respondents: PUBLIC PROSECUTOR

The Court made the following order:

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 petitioners herein (A2 and A3), seeking to quash the proceedings in CC No. 152 of 2021 on the file of the II Additional Civil Judge (Junior Division), Sattenapalli, for the offences registered under sections 498-A of Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961.

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

3. Learned counsel for petitioners, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioners (A2 and A3) 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.*

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

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petitioners herein (A2 and A3) before the II Additional Civil Judge (Junior Division), Sattenapalli, in C.C.No.152 of 2021 is hereby dispensed with in so far as petitioners herein (A2-A3) are concerned, 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.

As a sequel, all pending applications shall stand closed.

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JUSTICE MAHESWARA RAO KUNCHEAM

Date: 07.10.2026
pvs

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 5669 of 2026

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