APHC010461502023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3604]
(Special Original Jurisdiction)

THURSDAY, THE 12th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 6940/2023

Between:

1. KANDAGATLA KASINATH, S/ 0 K.RAMESH, HINDU, AGED ABOUT 31 YEARS, OCC. RAILWAY EMPLOYEE, R/O D.NO.39-24-1, BESIDE WATER PUMP-HOUSE, NEAR, D-MART MURALI NAGAR, VISAKHAPATNAM

...PETITIONER/ACCUSED

AND

1. SANJAY DUTT MEENA, IRSE S/O. RAMAVATAR MENA, AGED ABOUT 3O YEARS, OCC. DIVISIONAL ENGINEER, WALTAIR DIVISION R/O RAILWAY TRANSIT FLAT NO.5 OPPP. RAILWAY CROUND, HILL VIEW COLONY , SEVANAR, VISAKHAPATNAM.
2. THE STATE OF ANDHRA PRADESH, THROUGH IV TOWN POLICE STATION, VISAKHAPATNAM, REPRESENTED BY ITS PUBLIC PROSECUTOR. HIGH COURT OF JUDICATURE AT ARNARAVATHI.

...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 Courtmay be pleased to quash the proceedings in C.C.No. 2143 of 2023 pending on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam, Visakhapatnam District

IA NO: 1 OF 2023

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 C.C.No. 2143 of 2023 pending on the file of I Additional Chief Metropolitan

Magistrate, Visakhapatnam, Visakhapatnam District including appearance of the petitioner and pass

Counsel for the Petitioner/accused:

1. A K KISHORE REDDY

Counsel for the Respondent/complainant(S):

1. VMR LEGAL
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No:6940 OF 2023

ORDER:

This Criminal Petition is filed to quash the proceedings against the petitioner/accused in C.C.No.2143 of 2023 on the file of the learned I Additional Chief Metropolitan Magistrate, Visakhapatnam for the offences under Sections 457, 380 or 411 of the Indian Penal Code, 1860 (hereinafter referred to "IPC").

2. The case of the petitioner, in brief, is that he was working as Class-IV employee under respondent No.1 and was acquainted with the personal affairs of respondent No.1, when the wife of respondent No.1 enquired about his personal affairs, the petitioner disclosed certain information to her, respondent No.1 developed a grudge against him on that account and gave report with false averments, there is no material connecting him with the alleged offences and that the ingredients of Sections 457 and 380 IPC are not made out. Further, no test identification parade is conducted and that none of the witnesses identified him as the person who committed the theft, there is delay of three days in giving report.

3. Heard Sri A.K. Kishore Reddy, learned counsel for the petitioner; Ms. Bolla Moksha Sanhitha, learned counsel for respondent No.1; and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor. Perused the material placed on record.

4. Learned counsel for the petitioner would submit that the material collected during the investigation does not disclose the petitioner's involvement in the alleged offences and that continuation of the proceedings would amount to an abuse of the process of the Court, the report was motivated by the alleged disclosure made by the petitioner regarding the personal affairs of respondent No.1 and there is delay of three days in giving report.

5. On the other hand, learned counsel for respondent No.1 submits that the contentions raised by the petitioner involve disputed questions of fact which can be examined only during trial and the material collected during the investigation, particularly the recovery of the amount allegedly stolen from the petitioner's possession, provides a prima facie basis for proceeding against him.

6. As seen from the record, basing on the report of the respondent No.1, a case in Crime No.15 of 2023 was registered for the offences under Sections 457, 380 or 411 IPC and after completion of investigation, the Investigating Officer laid charge sheet of the aforesaid offences, against the petitioner and the same is registered as C.C. No.2143 of 2023. A perusal of the report, the statements of respondent No.1 and the other witnesses reveal that none of them have witnessed the petitioner committing the theft of Rs.12,000/- from the house of respondent No.1, however, the absence of an eyewitness, by itself, does not necessarily conclude the matter at the stage of considering a petition for quashing, particularly when other mediators' report dated 31.03.2023, at 9.30 a.m. indicates that an amount of Rs.12,000/- was recovered from the possession of the petitioner, at his house. The petitioner disputes the recovery and its implication. Whether the amount recovered is the very amount allegedly stolen, whether the recovery was effected in the manner stated by the prosecution, and what inference can be drawn from the recovery are matters which require appreciation of evidence. At this stage, this Court cannot conduct a mini-trial or record findings on the reliability of the recovery proceedings.

7. The contention regarding the delay of three days in giving report also does not, by itself, furnish a ground to quash the proceedings. The explanation for the delay, its effect on the prosecution case and the credibility of the witnesses are matters to be considered by the trial Court on the basis of the evidence adduced. Similarly, the plea that respondent No.1 gave report due to a personal dispute with the petitioner is a defence which requires

examination of the relevant evidence. These disputed factual aspects cannot be conclusively determined in proceedings under Section 482 Cr.P.C.

8. It is well settled that, while exercising the inherent jurisdiction under Section 482 Cr.P.C., the Court has to consider the allegations in the complaint/FIR and the material collected during the investigation on their face value. The Court is not required to undertake a detailed examination of the reliability or genuineness of the evidence. At the same time, where the allegations, even if accepted in their entirety, do not constitute an offence, or where the material does not disclose the commission of any offence, the Court may interfere to prevent abuse of the process of law. In ***State of Haryana and others v. Bhajan Lal and others***[1], the Hon'ble Supreme Court illustrated the categories of cases in which the inherent power may be exercised. The power is to be exercised sparingly, with circumspection and only in cases where the circumstances warrant such intervention.

9. In the present case, the prosecution relies upon the alleged recovery of Rs.12,000/- from the petitioner's possession. Though the petitioner disputes the recovery and contends that the case is motivated by personal differences, those contentions require evaluation of the evidence. The petitioner is at liberty to raise all legally permissible defences before the trial Court.

10. For the foregoing reasons, this Court is not persuaded to hold that the proceedings in C.C. No.2143 of 2023 are liable to be quashed in exercise of the inherent jurisdiction under Section 482 Cr.P.C and as such, declined to quash the proceedings.

11. ***In the result***, this Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

SUNITHA GANDHAM, J

12 .11.2026
Knl

[1]1992 Supp (1) SCC 335