APHC010497282026

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3504]**
**(Special Original Jurisdiction)**

TUESDAY, THE 10th DAY OF NOVEMBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

**CRIMINAL PETITION NO: 8362/2026**

**Between:**

1. TADIKONDA SOMASEKHAR, S/O. ANJAIAH, AGED ABOUT 50 YEARS, Y.S.R. KRANTHIPADAM, ASST. PROJECT MANAGER APM, PRESENTLY WORKING AT KAKUMANU, R/O. KAKUMANU, GUNTUR-522112.

**...PETITIONER/ACCUSED**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT FOR THE STATE OF ANDHRA PRADESH, NELAPADU, AMARAVATI-522238
2. PILLI SUKANYA, W/ O. PILLI LAKSHMI SEKHAR, AGED 27 YEARS R/O. GARIKAPADU VILLAGE, KAKUMANU MANDAL, GUNTUR-522112.

**...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 criminal proceedings against the Petitioner/Accused No.5 in CC.No.493 of 2023 on the file of Additional Junior Civil Judge, Ponnur registered for the offences punishable under Sections of 420 and 465 of IPC

**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 stay all further proceedings including appearance of the Petitioner/Accused No.5 in CC.No.493 of 2023 on the file of Additional Junior Civil Judge, Ponnur registered for the offences punishable under Sections of 420 and 465 of IPC

**Counsel for the Petitioner/accused:**

1. ARUN SHOWRI G

**Counsel for the Respondent/complainant(S):**

1. PUBLIC PROSECUTOR

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

**CRIMINAL PETITION NO: 8362 of 2026**

**ORDER:-**

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein (A5), seeking to quash the proceedings in CC No.493 of 2023 on the file of the Court of learned Additional Civil Judge, Ponnur for the offences punishable under Sections 420 and 465 the Indian Penal Code, 1860.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent No.2-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 (A5) before the trial Court by submitting petitioner's practical constraints that petitioner is working as a Assistant Project Manager (APM) at Kakumanu, he is busy with his professional duties, as such he could not attend the Court on each and every adjournment before the Trial Court at Ponnur. Learned counsel further states that petitioner shall not dispute his identity at a later stage of proceedings.

4. Conversely, 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 regard, 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. Taking note of facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner herein. However,

[1] 2022 LiveLaw (SC) 594

petitioner is Accused No.5 and he is working as Assistant Project Manager (APM) at Kakumanu, presence of petitioner herein (A5) before the Additional Civil Judge, Ponnur, in CC.No.493 of 2023 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.

As a sequel, all pending applications shall stand closed.

**JUSTICE MAHESWARA RAO KUNCHEAM**

Date: 10.11.2026
ych/vnb

**99**

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

**CRIMINAL PETITION NO: 8362 of 2026**

**10.11.2026**

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