APHC010507182023

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

SATURDAY, THE 21st DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 7679/2023

Between:

1. C. VENKATA DIVYA,, AGED ABOUT 31 YEARS, W/O C. SRINIVASULU, RESIDING AT PLOT. NO. 106, 1ST FLOOR, BTM 4TH STAGE, BANGALORE, NOW, D.NO. 24/1, CHAMUNDIVARITHOTA, MULAPET, NELLORE TOWN AND DISTRICT, A.P. AADHAR NO. 9936-1719-1552
2. C. SRINIVASULU,, AGED ABOUT 41 YEARS, S/O C. PRABHAKAR, RESIDING AT PLOT. NO. 106, 1ST FLOOR, BTM 4TH STAGE, BANGALORE, NOW, / D.NO. 24/1, CHAMUNDIVARITHOTA, MULAPET, NELLORE TOWN AND DISTRICT, A.P. AADHAR NO. 8734-9312-8423
3. C. SURESH,, AGED ABOUT 47 YEARS, S/O C. PRABHAKAR, RESIDING AT D.NO. 24/1,-503 CHAMUNDIVARITHOTA, MULAPET, NELLORE TOWN AND DISTRICT, A.P. AADHAR NO. 9492-0662-6544

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, THROUGH SUB-INSPECTOR POLICE, DISHA MAHILA P.S. CHITTOOR.
2. M K AMULYA, AGED ABOUT 28 YEARS, W/O U. VENKATESH, RESIDING AT D.NO. 101, R. KOWERS, LAKSHMINAGAR COLONY, CHITTOOR CITY AND DISTRICT, A.P.

...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 Charge Sheet in C.C.No. 238/2023 dt. 13.02.2023 on 7 the file of III Additional Judicial Magistrate of First Class, Chittoor

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 dispense with filing of the original certified copy of FIR & Charge Sheet in C.C. No. 238 of 2023 dt. 13-02-2023 on the file of III Additional Judicial Magistrate of First Class, Chittoor, registered under Section 498(A), 323, 506 IPC R/w 34 IPC and Sec. 3 & 4 of D.P. Act in Cr.No. 04/2023 of Disha Mahila P.S., Chittoor before this Hon'ble Court

IA NO: 2 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 stay all the proceedings including the arrest and appearance in C.C.No. 238/2023 dt. 13.02.2023 on the file of HI Additional Judicial Magistrate of First Class, Chittoor

Counsel for the Petitioner/accused(S):

1. SHAIK AFZAL MOHAMMED

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)
2. SURESH KUMAR REDDY KALAVA

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 7679/2023

ORDER:

1. Heard Sri Shaik Afzal Mohammed, learned counsel for the pettiioners as well as Smt. K.Priyaka Lakshmi, learned Assistant Public prosecutor and Sri Suresh Kumar Reddy Kalava, learned counsel for the respondent No.2.

2. Learned counsel for the petitioners submitted that petitioner No.1 is the sister-in-law, petitioner No.2 is her husband and petitioner No.3 is the brother of petitioner No.2, they have been residing at Nellore, whereas, the main case is pending at Chittoor. Further, petitioner No.1 is a housewife and petitioner Nos.2 and 3 are working as employees and as such, they have been facing difficulty in attending the Court at Chittoor on every adjournment.

3. Learned counsel for the petitioners finally submitted that without touching the merits of the case, this Criminal Petition may be disposed of, dispensing with the presence of the petitioners before the learned Trial Court on every adjournment with a liberty to raise all their contentions before the learned Trial Court and also to take appropriate legal steps.

4. Learned counsel for respondent No.2 and learned Assistant Public Prosecutor also fairly conceded to consider the request of learned counsel for the petitioners.

5. Recorded the submissions on either side.

6. Admittedly, the main case in C.C.No.238 of 2023 is pending on the file of III Additional Judicial Magistrate of First Class, Chittoor, whereas, all the petitioners are residing at Nellore. The distance between Nellore and Chittoor is 200 KMs and further, petitioner Nos.2 and 3 have been working as employees.

7. In the given facts and circumstances of the case, this Court is of the considered view that request of the learned counsel for the petitioners may be considered to dispense with the presence of the petitioners before the learned Trial Court without touching the merits of the case.

8. In the result, this Criminal Petition is disposed of, dispensing with the presence of the petitioners before the learned Trial Court except on those dates when their presence is required as directed by the learned Magistrate with a liberty to raise all their contentions before the learned Trial Court and to take appropriate legal steps.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

SUNITHA GANDHAM,J

Date: 21.11.2026
SSA

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THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 7679/2023

Date: 21.11.2026
SSA