APHC010522972026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8819 OF 2026

Between:

1. Naraka Lakshmamma, W/o. Chinna Tirupalu,Aged about 56 years, Occ Housewife,R/o. D.N0.7-26-6F, Vaikuntapuram, Street,ChevurivariThota, Kavali Mandal, SPSR Nellore District.

2. Naraka Satish, S/o. Chinna Tirupalu,Aged about 36 years, Occ Private Employee,R/o. D.No.7-26-6F, Vaikuntapuram, 1 Street,Chevurivari Thota, Kavali Mandal, SPSR Nellore District

...Petitioners

AND

1. The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati-522237

2. Ponnaganti Naraka Srilatha, D/o. P. Venkata Ramanaiah Aged about 35 years,R/o. D.No. 5-19-7, Ramalayam street, Vaviletipadu,Dhanalakshmipuram, SPSR Nellore District.

3. Naraka Sri Gayathri, D/o. Naraka Suresh,Aged about 2 years,R/o. D.No. 5-19-7, Ramalayam street, Vaviletipadu,Dhanalakshmipuram, SPSR Nellore District.

...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 Court pleased to quash the proceedings in

D.V.C. No.33 of 2025 pending on the file of the learned Special Judicial Magistrate of First Class (Excise), Nellore, instituted under Section 12 of the Protection of Women from Domestic Violence Act, 2005, together with all proceedings consequent thereto, insofar as the present petitioners are concerned, in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and 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 to dispense with filing the certified copies in DVC.No.33 of 2025 on the file of the Special Judicial Magistrate of First Class (Excise), Nellore, and pass

IA NO: 2 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 in D.V.C. No.33 of 2025 on the file of the learned Special Judicial Magistrate of First Class (Excise), Nellore, including the personal appearance of the present petitioners, pending disposal of this Criminal Petition, and pass

Counsel for the Petitioners: NAMBURU RUPESWAR REDDY,

Counsel for the Respondents: PUBLIC PROSECUTOR

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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 the petitioners herein, seeking to quash the proceedings in DVC No.33 of 2025 on the file of learned Special Judicial Magistrate of First Class (Excise), Nellore, for the offences punishable under Sections 12, 18, 20, 22 and 23(2) of the Protection of Women from Domestic Violence Act, 2005.

2. Heard learned counsel for the petitioners and 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 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 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*

[1] 2022 LiveLaw (SC) 594

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. In ***Vishal Shah Vs. Monalisha Gupta & Ors.***[2], Hon'ble Apex Court has observed that there is no requirement for the personal appearance of any party in the proceedings under the Domestic Violence Act, 2005, because they are *quasi*-criminal in nature and do not entail any penal consequences, except when there is a breach of a protection order, which is the only offence provided under Section 31 of the Domestic Violence Act, 2005.

8. 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 petitioners herein (A2 and A3) before learned Special Judicial Magistrate of First Class (Excise), Nellore, in DVC No.33 of 2025 is hereby dispensed with, except on those dates when the

[2] 2025 Live Law (SC) 240

learned trial Court feels that their presence is necessary. In the event of failure of petitioners to appear when the trial Court specifically directs, this Order shall stands automatically revoked, without recourse to this Court.

9. Accordingly, the Criminal Petition is disposed of.

10. Needless to state that the petitioners are at liberty to raise all the grounds before the trial Court.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 06.10.2026

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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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Date: 06.10.2026

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