APHC010525432026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

MONDAY, THE 5th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8835 OF 2026

Between:

1. Kondamanchili Nageswararao, S/o Venkatarao,age 51 years, R/o. Mamidithota Rajaka Veedhi, Doddipatia V,Elamanchili M, West godavari District.

2. Kondamanchili Kanaka Durga, W/o Nageswararao,age 47 years, R/o. Mamidithota Rajaka Veedhi, Doddipatia V,Elamanchili M, Westgodavari District.

3. Kondamanchili Vijaya Bhaskar, S/o Nageswararao,age 32 years, R/o. Mamidithota Rajaka Veedhi, Doddipatia V,Elamanchili M, Westgodavari District.

4. Kondamanchili Venkatrao, S/o Nageswararao,age 29 years, R/o. Mamidithota Rajaka Veedhi, Doddipatia V,Elamanchili M, Westgodavari District.

...Petitioners

AND

1. Sangeethamala Ravalapudi, S/o. Satyanarayana,Aged 23 years, Occ Business,R/o. Rajaka Veedhi, Doddipatia VElamanchili M, Westgodavari District.

2. The State of Andhra Pradesh, rep by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati.

...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 Courtto quash the proceedings against the petitioners/accused No. 1 to 4 in C.C.No. 34/2026 on the file of Principal Civil Judge (Junior Divn.) Cum Judicial Magistrate of 1st Class, Narsapur which arose out of Cr.No. 170/2025 of Yelamanchili Police Station, Westgodavari District

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 the filing of certified copy of the chargesheet in C.C.No. 34/2026 on the file of Principal Civil Judge (Junior Divn.) Cum Judicial Magistrate of 1st Class, Narsapur

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 to stay all further proceedings including the appearance of the petitioners/accused No. 1 to 4 in C.C.No. 34/2026 on the file of Principal Civil Judge (Junior Divn.) Cum Judicial Magistrate of 1st Class, Narsapur which arose out of Cr.No. 170/2025 of Yelamanchili Police Station, Westgodavari District

Counsel for the Petitioners: D PURNA CHANDRA REDDY,

Counsel for the Respondents: PUBLIC PROSECUTOR

Counsel for the Respondents:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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This Court made the following

ORDER:-

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of petitioners herein (A1 to A4), seeking to quash the proceedings in C.C. No. 34 of 2026 on the file of learned Principal Civil Judge (Junior Division)-cum-Judicial Magistrate of 1st Class, Narsapur, for the offences under sections 329(4), 115(2) read with 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the petitioners and Sri Neelotpal Ganji, learned Assistant Public Prosecutor appearing on behalf of respondent No.2-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 (A1 to A4)before the trial Court by submitting petitioners' practical constraints in attending before the trial Court and states that petitioners shallnot dispute theiridentity 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.,*

[1]2022 LiveLaw (SC) 594

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 petitioners herein (A1 to A4) before the Court of Principal Civil Judge (Junior Division)-cum-Judicial Magistrate of 1st Class, Narsapur, in C.C.No.34 of 2026 is hereby dispensed with, except on those dates when the learned trial Court feels that theirpresence 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 petitionersare 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: 05.10.2026
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