APHC010526592026

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

[3504]

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8861/2026

Between:

1. PANGA JANARDHANA RAO, S/O.LATE APPAYYA,,AGED ABOUT 39 YEARS, OCC GOVERNMENT EMPLOYEE ,R/O NAKKA VEEDHI SRIKAKAULAM TEMPLE,WORKING AT LAF CPL AIR FORCE ACADEMY, PERSONAL ID NO.904104-B HALWAR, PANJAB.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PUBLIC PROSECUTOR HIGH COURT OF A.P. AMARAVATI

2. PANGA LAKSHMI ALIAS SRAVANI, W/O. PANGA JANARDHANA RAO,AGED ABOUT 34 YEARS. HOUSE WIFE,R/O RANA VILLAGE AND POST, JUNNULURU MANDAL,SRIKAKAULAM DISTRICT-532474

...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

Courtquash the D.V.C.No.1 of 2023 On the file of the Judicial First Class Magistrate At Kotabommali, Srikakaulam District against the Petitioner/Accused

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 dispense with filing of certified copy in D.V.C.No. 1 of 2023 On the file of the Judicial First Class Magistrate At Kotabommali, Srikakaulam District

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 including appearance of the Petitioner/Accused in D.V.C.No.1 of 2023 On the file of the Judicial First Class Magistrate At Kotabommali, Srikakaulam District pending disposal of the above Criminal Petition

Counsel for the Petitioner/accused:

1. BOBBA HARI PRASAD REDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8861 of 2026

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 petitioner herein (Accused), seeking to quash the proceedings in DVC No.1 of 2023 on the file of the learned Judicial First Class Magistrate, Kotabommali, for the offences punishable under Section 12 of the Protection of Women Form Domestic Violence Act, 2005.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent No.1-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 before the trial Court by submitting petitioner’s practical constraints in attending before the trial Court and states that petitioner shall not dispute his 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 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 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*

[1] 2022 LiveLaw (SC) 594

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 petitioner herein. However, due to ground realities submitted by the counsel for the petitioner, presence of the petitioner herein (Accused) before the Judicial First Class Magistrate, Kotabommali, in DVC No.1 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

[2] 2025 Live Law (SC) 240

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 petitioner is 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
vnb

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO:8861 of 2026

Date: 06.10.2026

vnb