APHC010527492026

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

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8909/2026

Between:

1. PASUPULETI SANTHOSH, S/O. SUBBARAYUDU, AGED 26 YEARS, OCC SOFTWARE ENGINEER, R/O. KRISHNAMPALLI VILLAGE, H/O. T.KAMMAPALLI, PULLAMPET MANDAL, TIRUPATI DISTRICT-516 107.
2. PASUPULETI CHANDRAMOULI, S/O SUBBARAYUDU, AGED 33 YEARS, OCC CULTIVATION, R/O. KRISHNAMPALLI VILLAGE, H/O. T.KAMMAPALLI, PULLAMPET MANDAL, TIRUPATI DISTRICT - 516 107.
3. NARE RAMESH, S/O. VENKATESH, AGED 30 YEARS, OCC CULTIVATION, R/O. KRISHNAMPALLI VILLAGE, H/O. T.KAMMAPALLI, PULLAMPET MANDAL, TIRUPATI DISTRICT - 516 107.
4. PASUPULETI SUBBARAYUDU, S/O CHINNABBI, AGED 72 YEARS, OCC CULTIVATION, R/O. KRISHNAMPALLI VILLAGE, H/O. T.KAMMAPALLI, PULLAMPET MANDAL, TIRUPATI DISTRICT - 516 107.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR HIGH COURT BUILDINGS, NELAPADU AMARAVATHI.
2. RACHABOINA RAMACHANDRA, S/O VENKATA SWAMY, AGED 55 YEARS, OCC CULTIVATION, R/O. EGUVAREDDIPALLI VILLAGE,

PULLAMPET MANDAL TIRUPATI DISTRICT - 516 107.

...RESPONDENT/COMPLAINANT(S):

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 it is prayed that the Hon'ble Court be pleased to Quash the proceedings in C.C. No.167 / 2026 on the file of Judicial Magistrate of 1S' Class, Nandalur, for the offences U/Sec. 118(1), 133, 324(3), 351(2) r/w 3(5) BNS.., againstthe petitioners/AccusedNos. 1 to 4 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 of Certified copy of Charge Sheet in CC No. 167 / 2026, 161 Statements, FIR, Complaint in No.79 / 2026 of PullampetP.S, Tirupati District, Andhra Pradesh 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 to stay of all further proceedings including Appearance of the Petitioners/Accused No. 1 to 4 in C.C. No.167 / 2026 on the file of Judicial Magistrate of 1st Class, Nandalur, for the offences U/Sec. 118(1), 133,324(3), 351(2) r/w 3(5) BNS..,against the petitioners/Accused Nos. Ito 4 pending disposal of the main petition for quashing the same. pass

Counsel for the Petitioner/accused(S):

1. KAMBYAGARI SAIPRATAP

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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ORDER:-

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioners herein (A1 to A4), seeking to quash the proceedings in CC No.167 of 2026 on the file of Judicial Magistrate of First Class, Nandalur for the offences punishable under Section 118(1), 133, 324(3), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor appearing on behalf of respondent No.1-State.

3. Learned counsel for the 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 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 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., 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 Judicial Magistrate of First Class,

[1] 2022 LiveLaw (SC) 594

Nandalur, in C.C.No.167 of 2026 is hereby dispensed with, except on those dates when the learned trial Court feels that their presence 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 petitioners are 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: 07.10.2026
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