APHC010528232026

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: 8880/2026

Between:

1. ANE MEGHANA ALIAS SATYA VENKATA SRI CHITTI, IN DVCD/O. ANE VEERA SATYAM,AGED ABOUT 21 YEARS, R/O. D.NO.8-1072RAVULAPALEM VILLAGE AND MANDAL,KONASEEMA DISTRICT, ANDHRA PRADESH.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY. PUBLIC PROSECUTOR,HIGH COURT AT AMARAVATHI, ANDHRA PRADESH.
2. ANE CHITTI, W/O. ANE SUBBARAO,AGED ABOUT 36 YEARS,R/O. D.NO. 8-2264, NR. RAVIKIRAN HOSPITAL,RAVULAPALEM VILLAGE AND MANDAL,KONASEEMA DISTRICT, ANDHRA

...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 call for the records relating to D.V.C.No.1 of 2026 on the file of the Hon'ble Judicial First Class Magistrate of Kothapeta, AP, and quash the proceedings therein insofar as the

petitioner herein, is concerned, as the continuation of the said proceedings against the petitioner is illegal, unsustainable and amounts to abuse of the process of law, 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 pleased to stay all further proceedings including the appearance of the petitioner in DVC No. 1 of 2026 on the file of the Hon'ble Judicial First Class Magistrate of Kotha peta, AP, pending disposal of the above Criminal Petition, and pass

Counsel for the Petitioner/accused:

1. VARSHITHA KALIGINEEDI

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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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 petitioner herein (Accused No.6), seeking to quash the proceedings in DVC No.1 of 2026 on the file of the learned Judicial First Class Magistrate, Kothapeta, 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 her 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 No.6) before the Judicial First Class Magistrate, Kothapeta, in DVC No.1 of 2026 is hereby dispensed with, except on those dates when the learned trial Court feels that her 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:8880 of 2026

Date: 06.10.2026

vnb