APHC010528542026

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: 8874 OF 2026

Between:

1. Seeman Goutham, S/o. Seeman Balija Naidu, Aged about 39 years, FlatNo.4, Ground Floor, Vasanth Apartment, No.312, Avvai Shanmugam Road,Royapettah, Chennai, Tamil Nadu- 600014, Presently residing at 3355Colonial Drive, Mississauga, Ontario, Canada.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court ofAndhra Pradesh, Guntur District, Amaravati - 522239.

2. Rachabathuni Hari Priya, W/o. Seeman Goutham, Aged about 27 years,D.No.49-4-21, Flat No.405, D-Block, SLV Amaravathi Grand-1, Inner Ring Road, Gunadala, Vijayawada, Andhra Pradesh- 520004.

...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 Courtpleased to call for the records relating to C.C.No.2766 of 2026 on the file of the learned II Additional Chief Metropolitan Magistrate, Vijayawada, arising out of Crime No.164 of 2023 of Disha Police Station, Vijayawada City, registered for the offences punishable under Sections 498-A and 316 of the Bharathiya Nyaya Sanhitha and Sections 3 and 4 of the Dowry

Prohibition Act, 1961, and quash the entire proceedings in C.C.No.2766 of 2026 insofar as the petitioner/A-1 is concerned, as the same are unsustainable in law and amount to abuse of the process of Court, 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 dispense with proceedings in C.C. No. 2766 of 2026 on the file of the learned II Additional Chief Metropolitan Magistrate, Vijayawada, arising out of Crime No. 164 of 2023 at Disha Police Station, Vijayawada, including the personal appearance of the Petitioner/AI at the Trial Court Pending disposal of the above Criminal Petition, 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 pleased to stay all further proceedings in C.C. No. 2766 of 2026 on the file of the learned II Additional Chief Metropolitan Magistrate, Vijayawada, arising out of Crime No. 164 of 2023 at Disha Police Station, Vijayawada, including the personal appearance of the Petitioner/AI at the Trial Court Pending disposal of the above Criminal Petition, and pass

Counsel for the Petitioner: MD SALEEM

Counsel for the Respondents: PUBLIC PROSECUTOR

The Court made the following order:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein (Accused), seeking to quash the proceedings in C.C. No.2766 of 2026 on the file of the Learned II Additional Chief Metropolitan Magistrate, Vijayawada, for the offences registered under sections 498-A, 406 of Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard learned counsel for petitioner and Sri K. Sandeep, learned Assistant Public Prosecutor appearing on behalf of respondent No.1-State.

3. Learned counsel for petitioner, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioner (Accused) 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:

> *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 petitioner herein. However, due to ground realities submitted by the counsel for the petitioner, presence of petitioner herein (Accused) before the Learned II Additional Chief Metropolitan Magistrate, Vijayawada in C.C.No.2766 of 2026 is hereby dispensed with, except on those dates when the learned trial Court feels that his presence is necessary. In the

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event of failure of the petitioner 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 petitioner is 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: 06.10.2026
PVS

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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PVS