APHC010529522026

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

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8870/2026

Between:

1. BOPPI MUTHESWARA RAO, AGED ABOUT 38 YEARS, OCC AGRICULTURE,R/O. H. NO. 5-52, ANNAPUREDDYPALLY VILLAGE MANDAL,BHADRADRI KOTHAGUDEM DISTRICT, TELANGANA.

2. BOPPI PULLAIAH, , S/O. PAPAIAH, AGED ABOUT 58 YEARS, OCC AGRICULTURE, R/O. H. NO. 5-52, ANNAPUREDDYPALLY VILLAGE MANDAL,BHADRADRI KOTHAGUDEM DISTRICT, TELANGANA.

3. BOPPI NARASAMMA, W/O. B. PULLAIAH, OCC HOUSEWIFE, AGED ABOUT 53 YEARS, R/O. H. NO. 5-52, ANNAPUREDDYPALLY VILLAGE MANDAL BHADRADRI KOTHAGUDEM DISTRICT, TELANGANA.

4. BOPPI KRISHNA, S/O. BOPPI PULLAIAH, AGED ABOUT 31 YEARS, OCC AGRICULTURE, R/O H. NO. 5-52, ANNAPUREDDYPALLY VILLAGE MANDAL, BHADRADRI KOTHAGUDEM DISTRICT, TELANGANA.

5. SIDHELA KRISHNA KUMARI ALIAS KRISHNA VENI, W/O. S NAVEEN,AGED ABOUT 33 YEARS OCC HOUSEWIFE R/O.H.NO.8-106, SC COLONY ANNAPUREDDYPALLY VILLAGE AND MANDAL, BHADRADRI KOTHAGUDEM DISTRICT, TELANGANA.

6. SIDDHELA NAVEEN, S/O. S. RAGHAVULU,AGED ABOUT 38 YEARS.OCC AGRICULTURE R/O.H.NO.8-106, SC COLONY, ANNAPUREDDYPALLY VILLAGE AND MANDAL,BHADRADRI

KKOTHAGUDEM DISTRICT, TELENGANA.

7. BOPPI NAGESWARA RAO, S/O. B. PAPAIAH,AGED ABOUT 40 YEARS,OCC AGRICULTURE, R/O.H.NO.5-34,SC COLONY, ANNAPUREDDYPALLY VILLAGE MANDAL BHADRADRI KOTHAGUDEM DISTRICT, TELENGANA.

8. BOPPI CHINNA LAKSHMI ALIAS LAKSHMI, W/O. NAGESWARA RAO,AGED ABOUT 39 YEARS, OCC HOUSEWIFE,R/O. H. NO. 5-34, SC COLONY, ANNAPUREDDYPALLY VILLAGE MANDALBHADRADRI KOTHAGUDEM DISTRICT, TELANGANA.

9. BOPPI NAVYA, W/O. BOPPI KRISHNA,AGED ABOUT 29 YEARS, OCC HOUSEWIFE,R/O. H. NO. 5-52, SC COLONY, ANNAPUREDDYPALLY VILLAGE MANDALBHADRADRI KOTHAGUDEM DISTRICT, TELANGANA.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR,HIGH COURT FOR THE STATE OF ANDHRA PRADESH,AMARAVATHI, THROUGH MAHILA URBAN POLICE STATION, KURNOOL

2. KASAPOGU RAJAKUMARI, W/O. BOPPI MUTHESWARA RAO AGED ABOUT 28 YEARS, OCC UNKNOWN,R/O. H. NO. 3-20, VARKUR VILLAGE, KODUMURU MANDAL,KURNOOL DISTRICT, ANDHRA PRADESH.

...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 may be pleased to to call for the records to quash the proceedings in CC. No. 1258 of 2026 on the file of Judicial First Class Magistrate, Kurnool and pass such

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 stay of all further proceedings in CC. No. 1258 of 2026 on the file of Judicial First Class Magistrate, Kurnool, Pending disposal of above criminal petition

Counsel for the Petitioner/accused(S):

1. CH VENKAT RAMAN

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 8870 of 2026

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 A9), seeking to quash the proceedings in CC No.1258 of 2026 on the file of Judicial Magistrate of First Class, Kurnool for the offences punishable under Section 85, 115(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Dowry Prohibition Act, 1961.

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 A9) 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.*

[1] 2022 LiveLaw (SC) 594

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 A9) before the Judicial Magistrate of First Class, Kurnool, in C.C.No.1258 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.

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JUSTICE MAHESWARA RAO KUNCHEAM

Date: 06.10.2026
RMR

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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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