APHC010529792026

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: 8895/2026

Between:

1. CHALAMCHARLA KANAKA DURGA, W/O ANKAMMA RAO, AGED ABOUT 52 YEARS,R/O H.NO. 4-336,KOLLURU VILLAGE,BAPATLA DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH,AT AMARAVATI.
2. THE VICTIM, REP BY ITS NATURAL GUARDIAN MOTHER

...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 quash the POCSO S.C.No. 53 of 2026 on the file of the Hon'ble Special Court for Speedy Trial of Offences under Protection of Children from Sexual Offences Act, 2012, Prakasam District, Ongole, against the petitioner/Accused No.4, in the interest of justice.

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 the certified copy of

POCSO S.C.No. 53 of 2026 on the file of the Hon'ble Special Court for Speedy Trial of Offences under Protection of Children from Sexual Offences Act, 2012, Prakasam District, Ongole

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 of all further proceedings against the petitioner/Accused No.4, including the appearance of the accused in POCSO S.C.No. 53 of 2026 on the file of the Hon'ble Special Court for Speedy Trial of Offences under Protection of Children from Sexual Offences Act, 2012, Prakasam District, Ongole, in the interest of justice.

Counsel for the Petitioner/accused:

1. P MALLIKHARJUNA RAO

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 petitioner herein (A4), seeking to quash the proceedings in SC No.53 of 2026 on the file of Special Court for Speedy Trial of Offences under Protection of Children from Sexual Offences Act, 2012, Prakasam District, Ongole for the offences punishable under Section 137(2), 142, 351(2), 79, 64(1), 49 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 6 read with 5(1) of Protection of Children from Sexual Offences Act, 2012 and Section 17 read with 16 of the Protection of Children from Sexual Offences Act, 2012.

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 (A4) 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 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.,*

[1] 2022 LiveLaw (SC) 594

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 (A4) before the Special Court for Speedy Trial of Offences under Protection of Children from Sexual Offences Act, 2012, Prakasam District, Ongole, in S.C.No.53 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 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
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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06.10.2026

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