APHC010533152026

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: 8941/2026

Between:

1. RAYAPUDI PRABHU KUMAR, S/O SADANANDAM, AGED 60 YEARS,R/O HARIJANAWADA, KOVURU V,KOVURU M, SPSR NELLORE DISTRICT,524137.
2. RAYAPUDI JESSICA, D/O RAYAPUDI MANOJ, AGED ABOUT 24 YEARSR/O FLAT NO.202, ROYAL RESIDENCY,4 STREET, NETHAJI NAGAR, PODALAKUR ROAD,NELLORE 524004, SPSR NELLORE DISTRICT.
3. MUSALI DEVA KRUPARAVAMMA, W/O. J. KARUNAKAR, AGED ABOUT 71 YEARS R/O. D.NO.25-2-2081,4 STREET,GOWTHAMI NAGAR, NELLORE RURAL,SPSR NELLORE DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR HIGH COURT OF AP, AMARAVATI.
2. RAYAPUDI KEJIYA ALIAS PAMBADI KEJIYA, W/O RAYAPUDI MANOJ KUMAR,AGED ABOUT 47 YEARS,R/O FLAT NO.202, 4TH STREET, ROYAL RESIDENCY APARTMENT, NETAJI NAGAR, NELLORE RURAL,SPSR NELLORE DISTRICT- 524004.

...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 to QUASH the proceedings against Petitioners/ Accused

Nos.2 to 4 in C.C.No.1104 of 2026 on the file of 5th Additional Judicial 1st Class of Magistrate, Nellore

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 grant STAY of all further proceedings in C.C.No.1104 of 2026 on the file of 5"^ Additional Judicial 1®* Class of Magistrate, Nellore, including the appearance of the Petitioners pending disposal of the petition for quashing

Counsel for the Petitioner/accused(S):

1. MALIREDDY GOWTHAM

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 (A2 to A4), seeking to quash the proceedings in CC No.1104 of 2026 on the file of V Additional Judicial Magistrate of First Class, Nellorefor the offences punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 and Section 3 and 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 (A2 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 (A2 to A4) before the V Additional Judicial Magistrate of

[1] 2022 LiveLaw (SC) 594

First Class, Nellore, in C.C.No.1104 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: 07.10.2026
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