APHC010563642026

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

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9421/2026

Between:

1. MAMUDDU ASHOK, S/O SREENIVASULU,AGED ABOUT 29 YEARS,R/O KAMINENIPALLI VILLAGE, SIRIVELLA MANDAL,NANDYALA DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP BY STATION HOUSE OFFICER,JAMMALAMADUGU U/G POLICE STATION, JAMMALAMADUGU,REP BY PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AMARAVATHI.
2. VEMPAKULA ALIAS VEMPALAKU VINAY KUMAR, S/O LAKSHUMAIAH,AGED ABOUT 29 YEARS, OCC ASSITANT ENGINEER,PENNA CEMENT, VADDIRALA VILLAGE,MYLAVARAM MANDAL, YSR KADAPA DISTRICT.PH. NO. 8897255545.

...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 call for the records relating to and in connection with Charge sheet in C.C.No.1992 of 2025 pending on the file of the Judicial 1st Class Magistrate, Jammalamadugu, and quash the same against the petitioner herein/Accused no.6

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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 grant stay all further proceedings in C.C.No. 1992 of 2025 pending on the file of the Judicial 1st Class Magistrate, Jammalamadugu, including appearance of the petitioner,

Counsel for the Petitioner/accused:

1. V NITESH

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

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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 (A6), seeking to quash the proceedings in CC No.1992 of 2025 on the file of Judicial Magistrate of First Class, Jammalamadugu, for the offences punishable under Section 109, 417, 506 read with 34 of the Indian Penal Code, 1860.

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

3. Sri V.Nitesh, 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 (A6) before the trial Court by submitting petitioner's practical constraints that the petitioner is a private employee, working at Hyderabad and that it is very difficult for him to appear before the Trial Court on each and every adjournment. Learned counsel further states that petitioner shall not dispute his identity at a later stage of proceedings.

4. Conversely, 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 regard, 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. Taking note of facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner herein. However, due

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to ground realities submitted by the counsel for the petitioner, petitioner is eking out his livelihood at Hyderabad etc., presence of petitioner herein (A6) before the Judicial Magistrate of First Class, Jammalamadugu, in C.C.No.1992 of 2025 is hereby dispensed with, except on those dates when the learned trial Court feels that his 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: 27.10.2026
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