APHC010567202026

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

MONDAY, THE 26th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9499/2026

Between:

1. VAKA SRINIVASULU REDDY, S/O VENKATA KRISHNA REDDY,AGE 41 YEARS R/O. BRAHMANAKRAKA VILLAGE,JALADANKI MANDAL SPSR NELLORE DISTRICT.
2. MUNGAMURI NARASA REDDY, S/O. VENKATA SUBBAREDDY AGED 61 YEARS,R/O. BRAHMANAKRAKA VILLAGE, JALADANKI MANDAL SPSR NELLORE DISTRICT.
3. BANDARU RAMESH REDDY ALIAS RAMESH REDDY, S/O. RAMANA REDDY, AGED ABOUT 46 YEARS,R/O. BRAHMANAKRAKA VILLAGE, JALADANKI MANDAL SPSR NELLORE DISTRICT.
4. JILUMUDI MALLA REDDY, S/O. MALAKONDAREDDY,AGE 71 YEARS.R/O. BRAHMANAKRAKA VILLAGE,JALADANKI MANDAL SPSR NELLORE DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR,HIGH COURT OF A.P. AT AMARAVATI.
2. MEDARAMETIA VENKATA SESHA REDDY, S/O AYYAPPAREDDY AGED 43 YEARS R/O. BRAHMANAKRAKA VILLAGE JALADANKI MANDAL,SPSR NELLORE DISTRICT.

...RESPONDENT/COMPLAINANT(S):

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 Court quash the proceedings in C.C. No. 515 of 2025 on the file of the Additional Judicial Magistrate of First Class Kavali against the petitioners/Accused No.1 to 4

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 the filing of the certified copy in C.C. No. 515 of 2025 on the file of the Additional Judicial Magistrate of First Class Kavali

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 including appearance of the petitioners/Accused No.1 to 4 in C.C. No. 515 of 2025 on the file of the Additional Judicial Magistrate of First Class, Kavali pending disposal of the above Criminal Petition,

Counsel for the Petitioner/accused(S):

1. MARELLA RADHA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9499 of 2026

ORDER:-

The present Criminal Petition has been filed seeking to quash the proceedings in C.C.No.515 of 2025 on the file of the learned Additional Judicial Magistrate of First Class, Kavali, against the petitioners/accused Nos.1 to 4.

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 (Accused Nos.1 to 4) before the trial Court by submitting petitioners' practical constraints in attending before the trial Court and he also brought to the notice of this Court that petitioner Nos.2 and 4, aged about 61 and 71 years, respectively, are suffering from age-related ailments. He also submitted that petitioner Nos.1 and 3 are agriculturists belonging to a rural and economically weaker background 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 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 Hihg 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.,*

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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 petitioners that the age of petitioner Nos.2 and 4, as well as the rural and economically weaker background of petitioner Nos.1 and 3, presence of petitioners herein (Accused Nos.1 to 4) before the Additional Judicial Magistrate of First Class, Kavali, in C.C.No.515 of 2025 is hereby dispensed with, except on those dates when the learned trial Court feels that their presence is necessary.

8. 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.

9. Accordingly, the Criminal Petition is disposed of.

10. 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.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 26.10.2026
SR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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SR