APHC010567292026

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: 9501/2026

Between:

1. DUUDU MALLESWARA RAO, S/O DUDDU KOTESWARA RAO AGED ABOUT49 YEARS, DUUDU MALLESWARA RAO S/O DUDDU KOTESWARA RAO AGED ABOUT 49 YEARS, R/O 5-6-59/2/3 YENAGALA VENKATA SUBBAIAH STREET VIJAYAWADA 520001.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, SHO,VIJAYAWADA LL-TOWN POLICE STATION, HIGH COURT OF AP, AMARAVATI
2. SINGIRIKONDA SAVITHRI, W/O SINGIRIRKONDA MOHANA RAO AGED ABOUT 60 YEARS, R/O 18-28/2 OPP VASAVI KANYAKAPARAMESWARI TEMPLE ANDHRA BANK ROAD, NANDIGAMA KRISHNA DISTRICT. 521185

...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 Courtpleased to quash C.C. No.04 of 2026 pending on the file of the Hon'ble Chief Judicial Magistrate, Vijayawada, insofar as it relates to the Petitioner, and pass.

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 dispense with filing of the original certified copy of C.C. No.04 of 2026 pending on the file of the Hon'ble Chief Judicial Magistrate, Vijayawada before this Hon'ble Court and pass

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 to stay all further proceedings in C.C. No.04 of 2026 pending on the file of the Hon'ble Chief Judicial Magistrate, Vijayawada, pending disposal of the present Criminal Petition, and pass

Counsel for the Petitioner/accused:

1. SULTANA SHAIK

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

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/accused herein, seeking to quash the proceedings in C.C. No.4 of 2026 on the file of the Chief Judicial Magistrate at Vijayawada, for the offences under sections 420, 177, 181 IPC.

2. Heard learned counsel for the petitioner and Sri K.Sandeep, 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/accused before the trial Court by submitting petitioner's practical constraints in attending before the trial Court that the petitioner is doing a petty business for his livelihood and owing to the practical difficulties involved in travelling across the Andhra Pradesh to attend the proceedings before the trial Court and states that petitioner shall not dispute his 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.,*

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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 petitioner that the petitioner is doing a petty business for his livelihood and owing to the practical difficulties involved in travelling across the Andhra Pradesh to attend the proceedings before the trial Court, presence of petitioner/accused herein before the Chief Judicial Magistrate at Vijayawada in C.C.No.4 of 2026 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: 26.10.2026
SR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9501 of 2026

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SR