APHC010567402026

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: 9505/2026

Between:

1. PASUMARTHI RAJESH, , S/O. LAKSHMI NARASIMHA,A1AGED ABOUT 33 YEARS, OCC. PVT.EMPLOYEE,R/O. 4-101, ANAKARALAPUDI VILLAGE,KONDEPI MANDAL, PRAKASAM DISTRICT.
2. PASUMARTHI ANKAMMA, , W/O. LAKSHMI NARASIMHA,A2AGED ABOUT 53 YEARS, OCC. HOUSEWIFE,R/O. 4-101, ANAKARALAPUDI VILLAGE,KONDEPI MANDAL, PRAKASAM DISTRICT.
3. PASUMARTHI LAKSHMI NARASIMHA, , S/O. P. PRASAD, A3AGED ABOUT 66 YEARS, OCC. COOLIE,R/O. 4-101, ANAKARALAPUDI VILLAGE,KONDEPI MANDAL, PRAKASAM DISTRICT.
4. RAJINI ALIAS PALETI RAJANI, , W/O. P. PRASADA RAO, A4AGED ABOUT 32 YEARS, OCC. HOUSE WIFE,RIO. TURPU NAIDU PALEM, TANGUTUR MANDAL,PRAKASAM DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, ,REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF A.P.AMARAVATHI.
2. SMT PASUMARTHI KEERTHI, , W/O. P. RAJESH,AGED ABOUT 28 YEARS, OCC. HOUSEWIFE,RIO. LAKSHMIPURAM ROAD, KOTHAPETA PANCHAYATI,VETAPALEM MANDAL, BAPATAL 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 to call for the records pertaining to and in connection with CC No. 208 of 2026, on the file Hon'ble Principle Junior Civil Judge Court at Chirala, Bapatla District, and quash the same

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 stay all further proceedings including arrest as well as appearance of the petitioners in CC No. 208 of 2026, on the file of Hon'ble Principle Juniour Civil Judge Court at Chirala, Bapatla District, pending disposal of the Criminal Petition before this Hon'ble Court

Counsel for the Petitioner/accused(S):

1. M CHALAPATHI

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 Nos.1 to 4, seeking to quash the proceedings in C.C. No.208 of 2026 on the file of the learned Principle Junior Civil Judge at Chirala, Bapatla District, for the offence under Sections 85 read with 3(5) BNS and Section 4 of Dowry Prohibition Act.

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 petitioners, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioner Nos.1 to 4 before the trial Court by submitting petitioners' practical constraints in attending before the trial Court, that petitioner Nos.2 and 3 are the old aged persons and suffering from various ailments and that petitioner No.4 is the married daughter of petitioner Nos.2 and 3 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 (A1 to A4) 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.*

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7. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner Nos.2 to 4 alone. However, due to ground realities submitted by the counsel for the petitioners that as petitioner Nos.2 and 3 are the old aged persons suffering from various ailments and that petitioner No.4, being their daughter, is required to take care of their medical needs, presence of petitioner Nos.2 to 4 alone (A2 to A4) before the learned Principle Junior Civil Judge at Chirala, Bapatla District, in C.C.No.208 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 Nos.2 to 4 alone (A2 to A4) 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 Nos.2 to 4 alone (A2 to A4) 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

CRIMINAL PETITION NO: 9505 of 2026

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SR