APHC010570042026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9570 OF 2026

Between:

1. Valisetty Ramaneesh, , S/o. Late Koteswara Rao,aged about 25 years, R/o Gopuvanipalem Village,Machilipatnam Mandal, Krishna District-521002.

2. Valisetty Vimaneesh, , S/o. Late Koteswara Rao,aged about 26 years, R/o Gopuvanipalem Village,Machilipatnam Mandal, Krishna District-521002.

3. Valisetty Yamani Sakuntala, , D/o. Late Koteswara Rao,aged about 25 years, R/o Gopuvanipalem Village,Machilipatnam Mandal, Krishna District-521002.

4. Gopu Nani Babu, , S/o Ramulu,aged about 46 years, R/o Gopuvanipalem Village,Machilipatnam Mandal, Krishna District-521002.

5. Valisetty Siva Varakrishna, , S/o Rambabu,aged about 40 years, R/o Gopuvanipalem Village,Machilipatnam Mandal, Krishna District-521001.

...PETITIONER/ACCUSEDs

AND

1. The State of Andhra Pradesh, ,Through S.H.O. Challapalli Police Station,Rep. by Public Prosecutor, High Court of Andhra Pradesh.

2. Makani Dhanalakshmi, , W/o Makani Balendu Sekhar Babu,aged about 66 years, Rio Door No20/40-D, Gandhi Nagar,Gold Prince Lane, Machilipatnam,Krishna District-521002.

...RESPONDENT/COMPLAINANTs

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 FIR in Crime No. 533 of 2022 on the file of the Challapalli Police Station, Krishna District 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 stay of all further proceedings in Crime No. 533 of 2022 on the file of the Challapalli Police Station, Krishna District

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 permit the petitioner to compromise the case in Crime No. 533 of 2022, dated 09-12-2022, on the file of the Challapalli Police Station, Krishna District, in the interest of justice and pass

IA NO: 3 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 quash the Crime No. 533 of 2022, dated 09-12-2022 on the file of the Challapalli Police Station, Krishna District, by compounding the offence in terms of compromise in the interest of justice and pass

Counsel for the Petitioner/accused: SATYANARAYANA NIMMALA

Counsel for the Respondent/complainants: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

IA Nos.2 and 3 OF 2026
in/and
Criminal Petition No:9570 OF 2026

COMMON ORDER:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the petitioners herein (A1 to A3, A5 & A6), seeking to quash the proceedings in F.I.R. in Crime No.533 of 2022 of Challapalli Police Station, Krishna District, registered for the offences punishable under Sections 419, 466, 468, 471 read with 34 Indian Penal Code, 1861.

2. It is represented that both the parties have settled the dispute amicably out of the Court at the intervention of their elders and well-wishers. In view of the settlement arrived between both the parties, they filed I.A Nos.2 and 3 of 2026 seeking to permit them to compound the offences and to record the compromise.

3. In the affidavit filed in support of I.A.No.2 of 2026 by the 2nd respondent – de-facto complainant, it is stated that she compromised the matter with petitioners herein, in view of the

advice of the well-wishers and family elders of both sides. She further stated in the affidavit that there is no coercion, force or misrepresentation from anybody in giving the said affidavit or in compounding the present case and out of her free will and wish, she was giving the affidavit. A memorandum of understanding dated 24.09.2026 is also executed between the parties evidencing the compromise.

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

5. In ***State of M.P. V. Laxmi Narayan***[1], after perceiving the well-established principles, the Hon'ble Supreme Court held as under:

> *"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:*
>
> ***15.1.*** *That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of*

[1](2019) 5 SCC 688

commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. *Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;*

15.3. *Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;*

15.4. *Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on*

> *the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in* ***Narinder Singh'***[2] *should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;*
>
> ***15.5.***[3] *While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc."*

6. In this context, Apex Court, reiterated the above principles in ***Ram Gopal Vs. State of M.P.***[4], and held that:

> *19. We thus, sum up and hold that as opposed to Section 320 Cr.P.C where the Court is squarely guided by the compromise between the parties in respect of offences compoundable within the statutory framework the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C or vested in this Court under Article 142 of Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless,*

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[2] **[*Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54]***
3[Ed.: Para 15.5 corrected vide Official Corrigendum No. F.3/Ed.B.J./22/2019 dated 3-4-2019.].
[4]2024 (14) SCC 531

we reiterate that such powers of wide amplitude ought to be exercise carefully in the context of quashing criminal proceedings bearing in mind:

19.1. Nature and effect of the offence on the conscience of the society;

19.2 Seriousness of injury, if any;

19.3 Voluntary nature of compromise between the accused and the victim; and

19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

7. Recently, Hon'ble Supreme Court in ***Naushey Ali and Others Vs. State of Uttar Pradesh and Another***[5], by dealing with the law on the subject, in its clear words affirmed the above principles.

8. Today, when the case is called, both the parties are present before this Court. Learned counsel for the petitioners and the learned counsel for the 2nd respondent identified both the parties in the open Court. This Court questioned the de facto complainant with regard to compromise, and she has categorically stated that she has voluntarily entered into compromise with the petitioners herein (A1 to A3, A5 & A6). The relevant portions of the joint memo as well as

[5](2025) 4 SCC 78

Memorandum of Understanding dated 24.09.2026 filed along with I.A.No.3 of 2026, are extracted hereunder:

JOINT MEMO

> *"3. I submit that as we all are family members and with the intervention of the well-wishers and elders of the both parties settled the matter amicably out of the Court. A memorandum of understanding dated 24.09.2026 is also executed between the parties evidencing the compromise. That due to the said reasons, I came forward to withdraw the complaint for which I am also executed an Affidavit stating that I am ready to withdraw the above said case. The copy of the memorandum of understanding dated 24.09.2026 is filed herewith for kind perusal of this Hon'ble Court."*

MEMORANDUM OF UNDERSTANDING

> *"1. That the Second Party undertake to withdraw the said F.I.R.No.533 of 2022, dated 09/01/2022, U/s 419, 466, 468, 471 r/w 34 of IPC registered with the Challapalli Police Station before Hon'ble High Court of Andhra Pradesh and Second Party also undertake to cooperate / sign in quashing of said FIR as now there is nothing left of any nature whatsoever between the First Party and Second Party's. Second Party undertake to cooperate/signing at the time of filing and withdrawing the said FIR before the Hon'ble High Court of Andhra Pradesh."*

9. At this juncture, it is relevant to note that, no adverse antecedents or conduct were found against the accused and moreover the parties are willing to compromise the matter and put quietus to all the disputes, which would in turn advance peace and harmony among them, their family members and as well as in their localities too without adversely affecting the

administration of criminal justice. As such, this Court is inclined to invoke its power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 Cr.P.C., in the present *lis*. Accordingly, this Criminal Petition is allowed, and proceedings in F.I.R. in Crime No.533 of 2022 of Challapalli Police Station, Krishna District, insofar as the petitioners herein (A1 to A3, A5 & A6), are hereby quashed.

10. Accordingly, I.A.Nos.2 and 3 of 2026 and Criminal Petition No.9570 of 2026 are allowed. The relevant compromise affidavits of victim/*de facto* complainant, along with the annexed documents thereto of the respective parties in the instant case, are made part of the record.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 06.11.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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IA Nos.2 and 3 OF 2026
in/and
Criminal Petition No:9570 OF 2026

Date: 06.11.2026

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