APHC010570112026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9572 OF 2026

Between:

1. Sampangi Venkatesh, S/o Venkateswarlu, age about 50 years, Occ Business, R/o FlatNo.201, Swathi Apartment, Ongole town, Prakasham District - 523001.

2. Shaik Kowsar Ali Alias Kousar Valli, S/o KhaderValli, age about 44 years, Occ Practising, Advocate, R/o Door No.15/1173-2, Sanjeev Nagar, Tadipatri Town, Anantapuramu District-515411.

...Petitioners

AND

1. The State of Andhra Pradesh, , Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati through Kadapa I Town Police Station.

2. Mallemkondu Anantha Lakshmi, w/o Sreedhar, aged 48 years, R/o D.No.5-5-35/248-6/2,Mythri Nagar, Kukatpally, Hyderabad 500072.

...Respondents

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 records and quash the proceedings

against the petitioners in connection with CC.no. 6 of 2020 on the file of I Additional Judicial Magistrate of First Class, Kadapa YSR Kadapa District

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 appearance of the petitioners in CC.No.6 of 2020, on the file of I Additional Judicial Magistrate of First Class, Kadapa YSR Kadapa District, pending disposal of the Quash Petition

Counsel for the Petitioners: MUNAKALA VENKATA RAMANA

Counsel for the Respondents: PUBLIC PROSECUTOR

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 petitioners herein (A2 & A5), seeking to quash the proceedings in CC No.6 of 2020 on the file of the I Additional Judicial Magistrate of First Class, Kadapa, for the offences under Sections 143, 363, 343, 384 and 323 read with 34 of the Indian Penal Code, 1860.

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

3. Learned counsel for the petitioners submits that petitioner No.1 is doing business in Ongole Town and petitioner No.2 is an advocate practicing at Anantapuramu District, and it is difficult for the petitioners to attend the Court at Kadapa. Learned counsel, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioners before the trial Court by submitting the petitioners' practical constraints in attending before the trial Court and states that the 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 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.,*

[1]2022 LiveLaw (SC) 594

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 petitioners herein. However, due to ground realities submitted by the counsel for the petitioners and as petitioner No.1 is doing business in Ongole Town and petitioner No.2 is an advocate practicing at Anantapuramu District, presence of the petitioners herein (A2 & A5) before the I Additional Judicial Magistrate of First Class, Kadapa, in CC No.6 of 2020 is hereby dispensed with, except on those dates when the learned trial Court feels that their presence is necessary. In the event of failure of the petitioners to appear, when the trial Court specifically directs, this Order shall stand automatically revoked, without recourse to this Court.

8. Accordingly, the Criminal Petition is disposed of.

9. 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: 27.10.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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