APHC010570442026

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: 9582 OF 2026

Between:

1. Hitesh Tikmani, S/o Pramod Kumar Tikmani,Aged about 31 years, Occ Software Engineer,R/o Municipal Office Road, Nagar Bazar,South Dum Dum, Kolkata, West Bengal.

2. Pramod Kumar Tikmani, S/o Ramasewak PrasadAged about 67 years, Occ Business, R/o No.88,Municipal Office Lane, Nager Bazar,South Dum Dum, Kolkata - 74, West Bengal.

3. Urmila Tikmani, D/o Raghunath Prasad Jalan,Aged about 62 years, Occ House wife R/o No.88,Municipal Office Lane, Nager Bazar, South Dum Dum Kolkata - 74, West Bengal.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor,High Court of A.P, Nelapadu,Amaravathi, Guntur District Andhra Pradesh-522239

2. Tikmani Dao Sai Prathibha, W/o Tikmani Hitesh,Aged about 31 years, Occ Private Employee,R/o Flat No.301,4 Floor, Hima Sai Towers,Ashramam Road, Near Vasavi Kalyana Mandapam,Bhavanipuram, Vijayawada, NTR District - 520012.

...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 QUASH the CC No. 9890 of 2025 on the file of the Hon'ble IV Additional Chief Judicial Magistrate at Vijayawada, for the

alleged offences punishable under Sections 85 BNS & section 3, 4 of Dowry Prohibition Act against the Petitioner/Accused No's. 1 to 3 herein

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 STAY of all further proceedings in the CC No. 9890 of 2025 on the file of Hon'ble IV Additional Chief Judicial Magistrate Court, Vijayawada, for the alleged offences punishable under Sections 85 BNS & section 3 & 4 of Dowry Prohibition Act, against the Petitioner/Accused No's. 1 to 3

Counsel for the Petitioners: CKR ASSOCIATES

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 (A1 to A3), seeking to quash the proceedings in C.C. No.9890 of 2025 on the file of the IV Additional Chief Judicial Magistrate Court, Vijayawada, for the offences under sections 85 of Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of of Dowry Prohibition Act, 1961.

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, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioners (A1 to A3) before the trial Court by submitting petitioners' practical constraints that petitioner Nos.2 and 3 (A2 and A3) are old-age parents of petitioner No.1 (A1) and are suffering from ailments and further states that they are residing at Kolkata, West Bengal in attending before the trial Court 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 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*

[1]2022 LiveLaw (SC) 594

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, that petitioner Nos.2 and 3 (A2 and A3) are old-age parents of petitioner No.1 (A1) and are suffering from ailments and they are residing at Kolkata, West Bengal, presence of petitioners herein (A1 to A3) before learned IV Additional Chief Judicial Magistrate Court, Vijayawada, 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 stands 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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