APHC010576612026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9673 OF 2026

Between:

1. Konakandla Lakshmi Rama Lakshmi, W/o Radha Krishna Murthy, aged 54 years,R/o D.No. 9-10-29, Beside Bhaskar Deluxe,Kothapet, Guntur

2. Konakandla Radha Krishna Murthy, S/o Hanumaiah, aged 60 years,R/o D.No. 9-10-29, Beside Bhaskar Deluxe,Kothapet, Guntur

3. Alapati Sai Prasanna Kumar alias Prasanna Kumar, S/o Suresh Gupta, aged 30 years. Chartered Accountant, R/o 3 Lane, Nehru Nagar, Guntur

...Petitioners

AND

1. The State of Andhra Pradesh, Rep.by Inspector of Police,Mahila Police Station, Guntur Through Public Prosecutor,High Court of Andhra Pradesh At Amaravati

2. Guggilam Meghana Sri, W/o Konakandia Sai Kumar, aged 28 years,R/o 2/6 Lane, Saikrishna Nagar,Sangadigunta, Indira Priya Darshini Colony, Lalapet, Guntur

...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 Courtto quash the proceedings in C.C. No. 548 of 2025 on the file of learned IV Additional Junior Civil Judge, Guntur against the petitioners/accused No. 2 to 4

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 certified copy of C.C. No. 548 of 2025 on the file of learned IV Additional Junior Civil Judge, Guntur,

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 including the appearance of the Petitioners/Accused No. 2 to 4 in C.C. No. 548 of 2025 on the file of learned IV Additional Junior Civil Judge, Guntur pending disposal of the main criminal petition

Counsel for the Petitioners: BULLA SAMBASIVA RAO

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 to A4), seeking to quash the proceedings in CCNo.548of 2025on the file of the IV Additional Junior Civil Judge, Guntur, for the offences punishable under Sections85 & 79 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the 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 submits that petitioner Nos.1 & 2 are suffering from old-age aliments and petitioner No.3 is Chartered Accountant by profession, and it is difficult for the petitioners to attend the Court at Guntur. 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 shallnot dispute theiridentity 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:

> *"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 Nos.1 & 2 are suffering from old-age aliments and petitioner No.3 is Chartered Accountant by profession,presence of the petitioners herein(A2 to A4) before the IV Additional Junior Civil Judge, Guntur, in CCNo.548 of 2025is hereby dispensed with, except on those dates when the learned trial Court feels that theirpresence 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 petitionersare 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: 29.10.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9673of 2026

29.10.2026

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