APHC010581182026

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3504]**
**(Special Original Jurisdiction)**

MONDAY, THE 2nd DAY OF NOVEMBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

**CRIMINAL PETITION NO: 9764/2026**

**Between:**

1. SEEMAN GOWTHAM, S/O BALA KRISHNAN, AGED ABOUT 34 YEARS, R/O D.NO.312, ILOYDAROAD, ROYA PETTAH,CHENNAI, TAMIL NADU- 600014.MAIL ID AOUTHAM217YAHOO.COMPH 9841105340
2. NAGESWARI BALA KRISHANAN, W/O BALA KRISHNAN,AGED ABOUT 34 YEARS, R/O D.NO. 312, ILOYDAROAD, ROYA PETTAH,CHENNAI, TAMIL NADU- 600014.

**...PETITIONER/ACCUSED(S)**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AMARAVATI.
2. RACHABATTUNI HARI PRIYA, AGED ABOUT 27 YEARS,D/O R.NAVEEN, FLAT NO. 405, D BLOCK, SLV AMARAVTHI,GRAND -1, GUNADALA INNER RING, NTR DISTRICT, VIJAYAWADA,ANDHRA PRADESH- 520004.PH9948452220

**...RESPONDENT/COMPLAINANT(S):**

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 pleased to call for the records pertaining to and in connection with D.V.C. No.268 of 2024 on the file of I Additional Chief Metropolitan Magistrate, Vijayawada, Krishna District and quash the same so far as petitioner is concerned 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 dispense with filing certified copy of the D.V.C. No.268 of 2024 on the file of I Additional Chief Metropolitan Magistrate, Vijayawada, pending disposal of the Criminal Petition before this Hon'ble Court, and pass

**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 in D.V.C.No.268 of 2024 on the file of I Additional Chief Metropolitan Magistrate, Vijayawada, Krishna District pending disposal of the above criminal petition and pass

**Counsel for the Petitioner/accused(S):**

1. MD SALEEM

**Counsel for the Respondent/complainant(S):**

1. PUBLIC PROSECUTOR

**The Court made the following order:**

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioners herein/respondent Nos.1 and 2 therein, seeking to quash the proceedings in D.V.C.No.268 of 2024 on the file of the Court of I Additional Chief Metropolitan Magistrate, Vijayawada, filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

2. Heard learned counsel for the petitioners and Mr. 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/respondent No.1 is the husband of respondent No.2, and petitioner No.2/ respondent No.2 is the mother of respondent No.1.

4. Learned counsel for the petitioners, after arguing for some time, has confined his argument to the extent of dispensing with the presence of petitioner No.2 herein/respondent No.2 alone before the trial Court by submitting her practical constraints in attending before the trial Court and states that petitioner No.2 shall not dispute her identity at a later stage of proceedings.

5. On the other hand, learned Assistant Public Prosecutor contended that specific accusations have been made as against petitioner No.2 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 petitioner No.2, before the trial Court, he has not opposed the same.

6. Since there are specific accusations that have been made as against petitioner No.2 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.

7. 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.*

8. In ***Vishal Shah Vs. Monalisha Gupta & Ors.***[2], Hon'ble Apex Court has observed that there is no requirement for the personal appearance of any

[1] 2022 LiveLaw (SC) 594
[2] 2025 Live Law (SC) 240

party in the proceedings under the Domestic Violence Act, 2005, because they are *quasi*-criminal in nature and do not entail any penal consequences, except when there is a breach of a protection order, which is the only offence provided under Section 31 of the Domestic Violence Act, 2005.

9. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners herein. However, due to the ground realities submitted by learned counsel for the petitioners, particularly the fact that petitioner No.2/respondent No.2 is the mother of respondent No.1, and as learned counsel for the petitioners has confined his arguments to the extent of dispensing with the presence of petitioner No.2 alone, presence of petitioner No.2 herein/respondent No.2 before the Court of I Additional Chief Metropolitan Magistrate, Vijayawada, in D.V.C.No.268 of 2024 is hereby dispensed with, except on those dates when the learned trial Court feels that her presence is necessary. In the event of failure of petitioner No.2 to appear, when the trial Court specifically directs, this Order shall stand automatically revoked, without recourse to this Court.

10. Accordingly, the Criminal Petition is disposed of, insofar as petitioner No.2/respondent No.2 and dismissed insofar as petitioner No.1/respondent No.1.

11. Needless to state that petitioners are at liberty to raise all the grounds before the trial Court.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

**MAHESWARA RAO KUNCHEAM, J**

Dated: 02.11.2026
*MDP*