APHC010583362026

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

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9812/2026

Between:

1. S SURYA KUMARI, W/O. VEERABABU,AGED ABOUT 50 YEARS, R/O. D.NO.6-7 -24,PATHULURU STREET, SAMARLAKOTA TOWN,G. RAGAMPETA VILLAGE, SAMARLAKOTA MANDAL.
2. S VEERABABU, S/O. NARASIMHA MURTHY, AGED ABOUT 55 YEARS, R/O. D.NO.6-7-24,PATHULURU STREET, SAMARLAKOTA TOWN,G. RAGAMPETA VILLAGE, SAMARLAKOTA MANDAL.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY IT PUBLIC PROSECUTORHONBLE HIGH COURT OF ANDHRA PRADESH,AT AMARAVTHI.
2. BUNGA PAVANI SWAROOPA, D/O. APPARAO,AGED ABOUT 24 YEARS, R/O. SIRIPURAM VILLAGE,KARAPA MANDAL

...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 to quash the S.C. No.269 of 2026 on the file of Hon'ble VIII Additional District and Sessions Judge-Cum- Special Court for Trial of Offences against the Women, Rajamahendravaram, East Godavari 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 in S.C. No.269 of 2026 on the file of the Hon'ble VIII Additional District and Sessions Judge-Cum-Special Court for Trial of Offences against the Women, Rajamahendravaram, East Godavari District, including appearance of the Petitioners, pending disposal of the above Quash Petition

Counsel for the Petitioner/accused(S):

1. T D PANI KUMAR
2. T D PHANI KUMAR

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 (A2 and A3), seeking to quash the proceedings in S.C.No.269 of 2026 on the file of the VIII Additional District and Sessions Judge-cum-Special Court for Trial of Offences against the Women, Rajamahendravaram, wherein they were charged with the offences punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Dowry Prohibition Act, 1961 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

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

3. Learned counsel for the petitioners submits that the petitioners herein (A2 and A3), who are the parents of A1, are suffering with various ailments.

4. Learned counsel for the petitioners, after arguing for some time, has confined his argument to the extent of dispensing with the presence of petitioners (A2 and A3) before the trial Court by submitting petitioners' practical constraints in attending before the trial Court and states that petitioners shall not dispute their 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 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 herein, before the trial Court, he has not opposed the same.

6. 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.

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.*

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8. 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, particularly that petitioners herein (A2 and A3), who are the parents of A1, are suffering with various ailments, presence of petitioners herein (A2 and A3) before the VIII Additional District and Sessions Judge-cum-Special Court for Trial of Offences against the Women, Rajamahendravaram, in S.C.No.269 of 2026 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.

9. Accordingly, the Criminal Petition is disposed of.

10. Needless to state that the 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

Date: 03.11.2026
MDP