APHC010583792026

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: 9823/2026

Between:

1. MADHAVAPURI LAKSHMI KANTHAM, W/O. LATE SRINIVASA RAO, AGED ABOUT 61 YEARS, R/O. H.NO.6-43, GAVARAPETA, TUNI, EAST GODAVARI DISTRICT.
2. MADHAVAPURI RAJESH, S/O. LATE SRINIVASA RAO,AGED ABOUT 41 YEARS, R/O. H.NO.6-43, GAVARAPETA, TUNI, EAST GODAVARI DISTRICT
3. MADHAVAPURI KIRAN KUMAR, S/O. LATE SRINIVASA RAO,AGED ABOUT 35 YEARS, R/O. FI.NO.6-43, GAVARAPETA, TUNI, EAST GODAVARI DISTRICT
4. MADHAVAPURI VENKATA HANUMAN, S/O. LATE SRINIVASA RAO,AGED ABOUT 33 YEARS, R/O. FI.NO.6-43, GAVARAPETA, TUNI, EAST GODAVARI DISTRICT

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AT AMARAVATHI.
2. MADHAVAPURI JAYALAKSHMI, W/O. SATEESH, AGED ABOUT 30 YEARS, R/O. B.C COLONY, RAGOLU VILLAGE, SRIKAKULAM MANDAL, SRIKAKULAM DISTRICT.

...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 quash the Proceedings against the Petitioners in C.C.No.641 of 2025 on the file of Additional Judicial Magistrate of First Class, Srikakulam

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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 all further proceedings in C.C.No.641 of 2025 on the file of the Additional Judicial Magistrate of First Class, Srikakulam, 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 to A5), seeking to quash the proceedings in C.C.No.641 of 2025 on the file of the Additional Judicial Magistrate of First Class at Srikakulam, wherein they were charged with the offences punishable under Sections 85 and 351(2) read with Section 3(5) 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 Mr. K.Sandeep, learned Assistant Public Prosecutor appearing on behalf of respondent No.1.

3. Learned counsel for the petitioners submits that petitioner No.1 herein (A2), who is the widowed mother of A1, is aged about 61 years and is suffering with old-aged ailments, and that petitioner Nos.2 to 4 herein (A3 to A5) are the married brothers of A1.

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 to A5) 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 petitioner No.1 herein (A2), who is the widowed mother of A1, is aged about 61 years and is suffering with old-aged ailments, and that petitioner Nos.2 to 4 herein (A3 to A5) are the married brothers of A1, presence of petitioners herein (A2 to A5) before the Additional Judicial Magistrate of First Class at Srikakulam, in C.C.No.641 of 2025 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