APHC010584382026

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: 9843/2026

Between:

1. SIGAMALA SIVA KUMAR, /O. SIGAMALA SIDDAIAH, AGED ABOUT 24 YEARS,I,RESIDING AT D.NO.9/181, K.BUDUGUNTAPALLI VILLAGE,RAILWAY KODUR MANDAL, TIRUPATI DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF AMARAVATHI.

2. KASUVU SWARNA VANDANA, W/O SIGAMALA SIVA KUMAR,AGED ABOUT 31 YEARS.RESIDING AT D.NO. 14/29, PATA KADAPA HARIJANAWADAKADAPA CITY, YSR KADAPA 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 as against Petitioner/Accused No.1 in CC No.661 OF 2026 of The file of the Hon'ble Special Judicial Magistrate of First Class for Prohibition and Excise Offences, Kadapa for the offences under Section 85 R/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3 & 4 of Dowry Prohibition Act, 1961

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 dispense with filing of certified copies of CC No.661 OF 2026 On The file of the Hon'ble Special Judicial Magistrate of First

Class for Prohibition and Excise Offences, Kadapa for the offences under Section 85 R/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3 & 4 of Dowry Prohibition Act, 1961

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 Stay all further proceedings including the appearance of the Petitioner/Accused No.1 in CC No.661 OF 2026 On The file of the Hon'bie Special Judicial Magistrate of First Class for Prohibition and Excise Offences, Kadapa for the offences under Section 85 R/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3 & 4 of Dowry Prohibition Act, 1961

Counsel for the Petitioner/accused:

1. VMR LEGAL

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 petitioner herein (A1), seeking to quash the proceedings in C.C.No.661 of 2026 on the file of Special Judicial Magistrate of First Class for Prohibition and Excise Offences, Kadapa, wherein he was charged with the offences punishable under Section 85 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 petitioner and Mr. K.Sandeep, learned Assistant Public Prosecutor appearing on behalf of respondent No.1-State.

3. Learned counsel for the petitioner, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioner (A1) before the trial Court by submitting petitioner's practical constraints in attending before the trial Court and states that petitioner shall not dispute his identity at a later stage of proceedings.

4. He also submits that the petitioner herein (A1) is eking out his livelihood by working as a CT Scan Technician and that it is difficult for him to attend the day-to-day proceedings before the trial Court.

5. On the other hand, learned Assistant Public Prosecutor contended that specific accusations have been made as against the petitioner 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 petitioner, before the trial Court, he has not opposed the same.

6. Since there are specific accusations that have been made as against the petitioner 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.*

[1]2022 LiveLaw (SC) 594

8. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner herein. However, due to ground realities submitted by the counsel for the petitioner, particularly that the petitioner herein (A1) is eking out his livelihood by working as a CT Scan Technician and that it is difficult for him to attend the day-to-day proceedings before the trial Court, presence of petitioner herein (A1) before the Special Judicial Magistrate of First Class for Prohibition and Excise Offences, Kadapa, in C.C.No.661 of 2026 is hereby dispensed with, except on those dates when the learned trial Court feels that his presence is necessary. In the event of failure of the petitioner 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 petitioner is 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