APHC010587012026

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9885/2026

Between:

1. MUDDADA SANYASIRAO, S/O. LATE APPALASWAMY, AGED ABOUT 37 YEARS, OCC WELFARE ASSISTANT, R/O.DOOR NO. 444, GANDHI NAGAR COLONY, NEAR OLD MRO OFFICE, NELLIMARLA, NELLIMARLA MANDAL VIZIANAGARAM DISTRICT-535002

2. MUDDADA KRISHNAVENI, W/O. LATE APPALASWAMY, AGED ABOUT 52 YEARS, OCC HOUSEWIFE, GANDHI NAGAR COLONY, NEAR OLD MRO OFFICE, NELLIMARLA,VIZIANAGARAM DISTRICT-535002.

3. MUDDADA APPALA RAJU, S/O. LATE APPALASWAMY, AGED ABOUT 31 YEARS OCC SUB-INSPECTOR, APSP, GANDHI NAGAR COLONY, NEAR OLD MRO OFFICE, NELLIMARLA, VIZIANAGARAM DISTRICT- 535002.

4. MUDDADA PUMA CHANDRA RAO, S/O. LATE APPALASWAMY, AGED ABOUT 35 YEARS, OCC OCTOPUS CONSTABLE, GANDHI NAGAR COLONY NEAR OLD MRO OFFICE, NELLIMARLA, VIZIANAGARAM DISTRICT- 535002.

5. MUDDADA VASANTHA DEEPTHI, W/O. MUDDADA PUMA CHANDRA RAO, AGED ABOUT 24 YEARS, OCC HOUSEWIFE, DOOR NO.444, GANDHI NAGAR COLONY, NEAR OLD MRO OFFICE, NELLIMARLA, VIZIANAGARAM DISTRICT- 535002.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATI AT NELAPADU.- 522239

2. MUDDADA PRAVEENA, W/O. MUDDADA SANYASIRAO, AGED ABOUT 34 YEARS, OCC HOUSEWIFE, C/O NAKKA PADAMMA, DOOR NO. 24-5-58, TELAGA VEEDI, NELLIMARLA, VIZIANAGARAM DISTRICT- 535002.

...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 call for the record and to quash the D.V.C No.19 of 2026 on the file of the Special Judicial First Class Magistrate (Excise), Vizianagaram against the petitioners

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 stay of all further proceedings including the appearance of the petitioners/respondents No.1 to 5 the D.V.C No.19 of 2026 on the file of the Special Judicial First Class Magistrate (Excise), Vizianagaram

Counsel for the Petitioner/accused(S):

1. BONU RAMA SHANKAR RAO

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 to 5 therein, seeking to quash the proceedings in D.V.C.No.19 of 2026 on the file of the Special Judicial First Class Magistrate (Excise) at Vizianagaram, 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, petitioner No.2/respondent No.2 is the mother of respondent No.1 and is suffering with old aged ailments, petitioner Nos.3 and 4/respondent Nos.3 and 4 are the brothers of respondent No.1 and petitioner No.5/respondent No.5 is the wife of respondent No.4.

4. Learned counsel for the petitioners, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioners herein/respondent Nos.1 to 5 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, 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.*

[1] 2022 LiveLaw (SC) 594

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 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 ground realities submitted by the counsel for the petitioners, particularly that petitioner No.1/respondent No.1 is the husband of respondent No.2, petitioner No.2/respondent No.2 is the mother of respondent No.1 and is suffering with old aged ailments, petitioner Nos.3 and 4/respondent Nos.3 and 4 are the brothers of respondent No.1 and petitioner No.5/respondent No.5 is the wife of respondent No.4, presence of petitioners herein/respondent Nos.1 to 5 before the Special Judicial First Class Magistrate (Excise) at Vizianagaram, in D.V.C.No.19 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.

10. Accordingly, the Criminal Petition is disposed of.

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[2] 2025 Live Law (SC) 240

11. 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

Dated: 04.11.2026
MDP