APHC010587162026

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: 9889/2026

Between:

1. MARRAPU RENUKA, W/O RAMA RAO, AGED 65 YEARS, OCC HOUSEWIFE, R/O VELAMA STREET, BASANGI VENKATARAJAPURAM VILLAGE, JIYYAMMAVALASAMANDAL, PARVATHIPURAM MANYAM DISTRICT. PIN. 535525

2. MARRAPU RAMA RAO, S/O LATE PEDA POTHI NAIDU, AGED 76 YEARS, OCC CULTIVATION, R/O VELAMA STREET, BASANGI VENKATARAJAPURAM VILLAGE, JIYYAMMAVALASAMANDAL, PARVATHIPURAM MANYAM DISTRICT. PIN 535525

3. MARADANA SAILAJA, W/O MURALIDHAR, AGED 45 YEARS,OCC EMPLOYEE, R/O VELAMA STREET, BASANGI VENKATARAJAPURAM VILLAGE, JIYYAMMAVALASAMANDAL, PARVATHIPURAM MANYAM DISTRICT. PIN.535525.

4. MARADANA MURALIDHAR, S/O SANGAM NAIDU, AGED 47 YEARS, OCC EMPLOYEE,R/O VELAMA STREET, BASANGI VENKATARAJAPURAM VILLAGE, JIYYAMMAVALASAMANDAL, PARVATHIPURAM MANYAM DISTRICT. PIN. 535525

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT BUILDINGS, AMARAVATI, THROUGH STATION HOUSE OFFICER,THERLAM POLICE STATION, VIZIANAGARAM DISTRICT

2. POLA INDRAJA, W/O MARRAPU BHASKAR SATHISH KUMAR, AGED

24 YEARS,OCC PRIVATE EMPLOYEE,R/O PEDDA VEEDHI, THERLAM VILLAGE AND MANDAL,VIZIANAGARAM DISTRICT. PIN.535126

...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 quash the Charge Sheet No. 226/2026 dt. 27.06.2026 in on the file of the Court of the Principal Junior Civil Judge Judicial First Class Magistrate at Bobbili against FIR in Crime no. 16 of 2026 dt. 29.03.2026 on the file of the Therlam Police Station; Vizianagaram District registered against the Petitioners/Accused No. 2 to 5 herein Under Section 85 r/w 3(5) of BNS and Section 3 & 4 of D.P. Act

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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 to stay all further proceedings, including the appearance of the Petitioners in C.C. No.226/2026 dated 27.06.2026 on the file of the Court of the Principal Junior Civil Judge cum Judicial First Class Magistrate at Bobbili against FIR in Crime no.16 of 2026 dt. 29.03.2026 on the file of the Therlam Police Station, Vizianagaram District, registered against the Petitioners/Accused No. 2 to 5 herein Under Section 85 r/w 3(5) of BNS and Section 3 & 4 of D.P. Act, pending disposal of the Criminal Petition and pass

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 (A2 to A5), seeking to quash the proceedings in C.C.No.226 of 2026 on the file of the Principal Junior Civil Judge-cum- Judicial First Class Magistrate at Bobbili, wherein they were 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 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 Nos.1 and 2 herein (A2 and A3) are the parents of A1, aged about 65 and 76 years, respectively, and are suffering with old-aged ailments and petitioner Nos.3 and 4 herein (A4 and A5) are the married sister of A1 and her husband, respectively.

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 Nos.1 and 2 herein (A2 and A3) are the parents of A1, aged about 65 and 76 years, respectively, and are suffering with old-aged ailments and petitioner Nos.3 and 4 herein (A4 and A5) are the married sister of A1 and her husband, respectively, presence of petitioners herein (A2 to A5) before the Principal Junior Civil Judge-cum- Judicial First Class Magistrate at Bobbili, in C.C.No.226 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: 04.11.2026
MDP