APHC010588962026

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

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9915/2026

Between:

1. DR T NAGA SATYA HEMALATHA, D/O. SIVALINGAM NAIDU AGED 39 YEARS, OCC ASSISTANT PROFESSOR,GOVERNMENT MEDICAL COLLEGE, NANDYAL,R/O. FLAT NO. 18, TEACHERS COLONY,RAITHU NAGAR, NANDYAL-518502.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.
2. THE DEPUTY DIRECTOR, THE DEPUTY DIRECTOR,DISTRICT TREASURY, VISAKHAPATNAM.

...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 CC No. 14 of 2019 on the file of Hon'ble Additional Judicial First-Class Magistrate, Chintapalli for the offences punishable under Sections 465, 467, 420, 409, 468, 471, 477, 169, 170, 20o! 201, 411, 414, 423, 120B & 109 IPC r/w 34 IPC in so far as the petitioner is concerned and pass

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 dispense with the attendance of the petitioner

before the Hon'ble Additional Judicial First-Class Magistrate, Chintapalli in CC No.14 of 2019 pending disposal of the Criminal Petition and pass

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 to dispense with the attendance of the petitioner before the Hon'ble Additional Judicial First Class Magistrate, Chintapalli in CC No.14 of 2019 pending disposal of the Criminal Petition and pass

IA NO: 3 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 against the petitioner in CC No. 14 of 2019 on the file of Hon'ble Additional Judicial First-Class Magistrate, Chintapalli for the offences punishable under Sections-465, 467, 420, 409, 468, 471 169, 170, 200, 201, 411, 414, 423, 1.20B & 109 IPC r/w 34 IPC, pending disposal of the Criminal Petition and pass

Counsel for the Petitioner/accused:

1. MANOJ KUMAR BETHAPUDI

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

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ORDER:-

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein (A74), seeking to quash the proceedings in CC No.14 of 2019 on the file of Additional Judicial Magistrate of First Class, Chintapalli for the offences punishable under Section 465, 467, 420, 409, 468, 471, 477, 169, 170, 200, 201, 411, 414, 423, 120-B, 109 read with 34 of the Indian Penal Code, 1860.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent No.1-State.

3. Sri Manoj Kumar Bethapudi, 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 (A74) before the trial Court by submitting petitioner's practical constraints that petitioner is an Assistant Professor, working in the Government Medical College, Nandyal, due to her professional engagement, she would not attend on each and every adjournment before the Trial Court at Chintapalli. Learned counsel further states that petitioner shall not dispute her identity at a later stage of proceedings.

4. Conversely, 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.

5. 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.

6. In this regard, 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.*

7. Taking note of facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner herein. However,

[1] 2022 LiveLaw (SC) 594

petitioner is an Assistant Professor, working in the Government Medical College, Nandyal etc., presence of petitioner herein (A74) before the Additional Judicial Magistrate of First Class, Chintapalli, in CC.No.14 of 2019 is hereby dispensed with, except on those dates when the learned trial Court feels that her presence is necessary. In the event of failure of the petitioner to appear, when the trial Court specifically directs, this Order shall stands automatically revoked, without recourse to this Court.

8. Accordingly, the Criminal Petition is disposed of.

9. Needless to state that the petitioner is at liberty to raise all the grounds before the trial Court.

As a sequel, all pending applications shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 05.11.2026
RMR

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