APHC010590932026

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: 9947/2026

Between:

1. NALLAPAREDDY PRAVEEN KUMAR REDDY, , S/O HARINATHA REDDY,AGED ABOUT 36 YEARS, R/O. PLOT NUMBER 203,KARTEEKA PRIDE APARTMENT, DURGA NAGAR, KRISHNA REDDY PETA,SANGAREDDY DIST, TELANGANA, 502319
2. NALLAPAREDDY HARINATHA REDDY, S/O RAMACHANDRA REDDY,AGED ABOUT 64 YEARS R/O. 3-32, DHIGAVAPALLI, BODEVANDIA PALLE,CHITTOOR DIST. A.P. - 517194
3. NALLAPAREDDY NAGARATHNA, , W/O HARINATHA REDDY,AGED ABOUT 60 YEARS, R/O. 3-32, DHIGAVAPALLI, BODEVANDIA PALLE,CHITTOOR DIST. A.P. - 517194
4. NALLAPAREDDY NAVEEN KUMAR REDDY, , S/O HARINATHA REDDYAGED ABOUT 39 YEARS, R/O. 3-32, DHIGAVAPALLI, BODEVANDIA PALLE,CHITTOOR DIST. A.P. - 517194
5. RACHAPALLE SUJATHA, , W/O JANARDHAN REDDY,AGED ABOUT 54 YEARS, R/O, HOUSE NO. 2-1824, PILERU, KADAPA ROAD,CHITTOOR DIST., A.P. 517214

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTORHIGH COURT OF ANDHRA PRADESH AT AMARAVATI - 522239
2. SMT K SUPRIYA, , W/O N. PRAVEEN KUMAR REDDY,AGED ABOUT 30 YEARS, R/O KAMBHAMVARIPALLE,T.SANDRAVARIPALLE,

KALIKIRI MANDAL, ANNAMAYYA DIST, 517213.

3. N YASHNA, , D/O N. PRAVEEN KUMAR REDDY,AGED ABOUT 2.5 YEARS, R/O KAMBHAMVARIPALLE,T.SANDRAVARIPALLE, KALIKIRI MANDAL, ANNAMAYYA DIST, 517213.

...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 in D.V.C. No. 10 of 2026 on the file of Hon'ble Judicial First Class Magistrate, Vayalpad, Chittoor Dist. (presently known as Annamayya Dist) for the alleged offences under section 12,18,20,21 and 22 of the protection of women from domestic violence Act 2005 against thk Petitioners 1 to 5 herein / Respondent Nos.1 to 5 therein are concerned

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 the filing of the certified copies of the Petition in D.V.C No.10 of 2026 On the file of Hon'ble Judicial First Class Magistrate, Vayalpad, Chittoor Dist. (Presently known as Annamayya Dist) for the alleged offences under section 12 R/w sections 18,20,21 and 22 of the protection of women from domestic violence Act 2005 Against the petitioners 1 to 5

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 grant stay of all further proceedings in D.V.C. No. 10 of 2026 On the file of Hon'ble Judicial First Class Magistrate, Vayalpad, Chittoor Dist. (presently known as Annamayya Dist) for the alleged offences under section 12,18,20,21 and 22 of the protection of women from domestic violence Act 2005 against the Petitioners 2 to 5 herein / Respondent Nos.2 to 5 therein are concerned,

Counsel for the Petitioner/accused(S):

1. AMARAVATI LAW CHAMBERS
2. pujari triveni reddy

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9947 of 2026

ORDER:-

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the petitioners herein, seeking to quash the proceedings in DVC No.10 of 2026 on the file of learned Judicial Magistrate of First Class, Vayalpadu, Chittoor District (presently known as Annamayya District) claiming reliefs under Section 12, 18, 20, 21 & 22 of the Protection of Women from Domestic Violence Act, 2005.

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

3. 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 before the trial Court by submitting petitioners' practical constraints in attending before the trial Court and states that petitioners shall not dispute his identity at a later stage of proceedings.

4. 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.

5. 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.

6. 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.*

7. 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

[1] 2022 LiveLaw (SC) 594
[2] 2025 Live Law (SC) 240

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.

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, presence of the petitioners herein (Respondent Nos.1 to 5) before the Judicial Magistrate of First Class, Vayalpadu, Chittoor District (presently known as Annamayya District) in DVC No.10 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 stands 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, all pending applications shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 05.11.2026
RMR

148

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9947 of 2026

05.11.2026

W

RMR