APHC010591452026

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: 9956/2026

Between:

1. BAKI NARASIMHA RAO, S/O VENKATESWARLUAGED ABOUT 46 YEARS, OCC CULTIVATION,R/O D. NO. 5-20/1, MALLAPALLI, AMARAVATI VILLAGEAND MANDAL, KRISHNA DISTRICT. 522020

...PETITIONER/ACCUSED

AND

1. BAKI RAVALI, W/O MADHU AGED ABOUT 22 YEARS, OCC HOME MAKER,R/O YETURU VILLAGE, CHANDARLAPADU MANDAL,KRISHNA NTR DISTRICT. 521183
2. THE STATE OF ANDHRA PRADESH, SUB-INSPECTOR OF POLICE.CHANDARLAPADU PS REP. BY PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.

...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 Charge sheet in C.C. No.669 OF 2026 on the file of Additional Junior Civil Judge Cum Additional Judicial Magistrate of First Class: At Nandigama, so far as against the Petitioner/Accused No. 2,

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 certified copies of charge sheet and 161 statements in C.C. No.669 OF 2026 on the file of

Additional Junior Civil Judge Cum Additional Judicial Magistrate of First Class: At Nandigama

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 appearance of Petitioner/Accused No. 2 in C.C. No.669 OF 2026 on the file of Additional Junior Civil Judge Cum Additional Judicial Magistrate of First Class: At Nandigama, pending disposal of main Criminal Petition

Counsel for the Petitioner/accused:

1. YASHWANTH YARLAGADDA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR
2.

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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 (A2), seeking to quash the proceedings in CC No.669 of 2026 on the file of Additional Junior Civil Judge-cum-Additional Judicial Magistrate of First Class, Nandigama for the offences punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 and Section 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent No.2-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 (A2) before the trial Court by submitting petitioner's practical constraints that petitioner is the father-in-law of respondent No.1 and he is a nephrology patient, he would not attend on each and every adjournment before the Trial Court at Nandigama. Learned counsel further states that petitioner shall not dispute his 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 the father-in-law of respondent No.1 and he is a nephrology patient etc., presence of petitioner herein (A2) before the Additional Junior Civil Judge-cum-Additional Judicial Magistrate of First Class, Nandigama, in CC.No.669 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 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
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