APHC010593392026

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

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9981/2026

Between:

1. MONAVARTHI YUGANDHAR SRINIVAS, S/O. SOBHANADRI, AGED 51 YEARS, R/O.PHRUDHVI ASCEND APARTMENT FLAT NO.2,SFIOOR, DOOR NO. 12-2-2, NEAR BC FUNCTION HALLKANAKAVARSHA NAGAR, TANUKU WEST GODAVARI DISTRICT, A.P-534211.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY PUBLIC PROSECUTORHIGH COURT OF A.P., AMARAVATI
2. CHITTA SATYA SRINIVASA RAO, S/O. SUBBARAO, AGED 56 YEARS,R/O.PHRUDHVI ASCEND APARTMENT FLAT NO.2,1FLOOR, DOOR NO. 12-2-2,NEAR BC FUNCTION HALL,KANAKAVARSHA NAGAR, TANUKUWEST GODAVARI DISTRICT, A.P-534211

...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 call for the records in C.C.No.714/2026 on the file of the Court of II Additional Civil Judge(Junior Division) cum Additional Judicial Magistrate of First Class, Tanuku, West Godavari District, Andhra Pradesh and quash the same in so far as the petitioner/A-1 is concerned as the same is illegal, arbitrary and abuse of process of law 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 filing of certified copy of the charge sheet in CC.No.714/2026 on the file of the Court of II Additional Civil Judge(Junior Division) cum Additional Judicial Magistrate of First Class, Tanuku, West Godavari Pradesh pending disposal of the above Crl.P. 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 grant stay of all further proceedings including appearance of the petitioner/A-1 in C.C.No.714/2026 on the file of the Court of II Additional Civil Judge(Junior Division) cum Additional Judicial Magistrate of First Class, Tanuku, West Godavari Pradesh pending disposal of the above Crl.P. and pass

Counsel for the Petitioner/accused:

1. YASWANTH GADE

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 petitioner herein (A1), seeking to quash the proceedings in C.C.No.714 of 2026 on the file of the II Additional Civil Judge (Junior Division)-cum-Additional Judicial Magistrate of First Class, Tanuku, wherein he was charged with the offences punishable under Section 325 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 11(1) of the Prevention of Cruelty to Animals Act, 1960.

2. Heard learned counsel for the petitioner and Mr. K.Sandeep, learned Assistant Public Prosecutor appearing on behalf of respondent No.1.

3. Learned counsel for the petitioner submits that petitioner herein (A1) is aged about 51 years and is suffering with ailments.

4. Learned counsel for the petitioner, after arguing for some time, has confined his argument to the extent of dispensing with the presence of petitioner (A1) before the trial Court by submitting petitioner's practical constraints in attending before the trial Court and states that petitioner shall not dispute his 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 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.

6. 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.

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. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner herein. However, due to ground realities submitted by the counsel for the petitioner, particularly that petitioner herein (A1) is aged about 51 years and is suffering with ailments, presence of petitioner herein (A1) before the II Additional Civil Judge (Junior Division)-cum-Additional Judicial Magistrate of First Class, Tanuku, in C.C.No.714 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 stand automatically revoked, without recourse to this Court.

9. Accordingly, the Criminal Petition is disposed of.

10. Needless to state that the petitioner is 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: 10.11.2026
MDP