APHC010597292026

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

WEDNESDAY, THE 11th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 10060/2026

Between:

1. HARISH KUMAR ALIAS K HARISH KUMAR, S/O. K. GANGADHARA, AGED ABOUT 37 YEARS,R/O. D.NO. 12-1-24-6, OBULACHARI ROAD, RAYADURG TOWN, ANANTHAPURAMU DISTRICT, A.P.
2. K GANGADHARAPPA ALIAS KURUBA GANGADHARA, S/O. K. SIDDHAPPA, AGED ABOUT 70 YEARS,R/O. D.NO.12-1-24-6, OBULACHARI ROAD,RAYADURG TOWN, ANANTHAPURAMU DISTRICT, A.P.
3. K YUGANDHAR KURUBA YUGANDHAR, S/O. K. GANGADHARA, AGED ABOUT 36 YEARS,R/O. D.NO. 12-1-24-6, OBULACHARI ROAD,RAYADURG TOWN, ANANTHAPURAMU DISTRICT, A.P.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.
2. B TEJO DEEPTHI, W/O. B. HARISH KUMAR,D/O. BYALLA SIVANANDA, AGED ABOUT 35 YEARS,OCC POSTAL ASSISTANT AT BENGALURU, KARNATAKA STATE, KAKKALAPALLI COLONY, KALAYNADURG BYPASS, NEAR SAINT ANNS E.M. HIGH SCHOOL,ANANTHAPURAMU, ANANTHAPURAMU DISTRICT, A.P.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of

Criminal Petition, the High CourtQuash the proceedings in C.C. No.757/2026 against the Petitioners/Accu sed No.1 to 3 for the offence punishable U/S.498-A r/w 34 IPC and Sec.3, 4 of D.P. Act which is pending on the file of Hon'ble Judicial Magistrate of First Class Prohibition & Excise Court, Ananthapuramu, Ananthapuramu District

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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 stay of all further proceedings including appearance of the Petitioners/Accused No.1 to 3 in C.C. No. 757/2026 for the offence punishable U/S.498-A r/w 34 IPC and Sec.3, 4 of D.P. Act which is pending on the file of Hon'ble Judicial Magistrate of First Class, Prohibition & Excise Court, Ananthapuramu, Ananthapuramu District,

Counsel for the Petitioner/accused(S):

1. SRINIVASA RAO NARRA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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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 (A1 to A3), seeking to quash the proceedings in C.C. No 757 of 2026 on the file of the learned Judicial Magistrate of First Class, Prohibition & Excise Court, Ananthapuramu, for the offences punishable under Section 498-A r/w 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act.

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 herein (A1 to A3) before the trial Court by submitting petitioners' practical constraints that petitioner No.2 is the old aged father of petitioner Nos.1 and 3, who is suffering with ailments and petitioner Nos.1 and 3 are taking care of their ailing father, as such they could not attend the Court on each and every adjournment before the Trial Court at Ananthapuramu. Learned counsel further states that petitioners shall not dispute their identity at a later stage of proceedings.

4. Conversely, 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 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.*

[1] 2022 LiveLaw (SC) 594

7. Taking note of facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners herein (A1 to A3). However, due to ground realities submitted by the counsel for the petitioners, keeping in view of criminal proceedings arising out of matrimonial disputes *inter-se* parties, also that petitioner No.2 is aged about 70 years, suffering with old aged ailments, petitioner Nos.1 and 3 are taking care of him, presence of petitioners herein (A1 to A3) before the Judicial Magistrate of First Class, Prohibition & Excise Court, Ananthapuramu, in C.C. No 757 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.

8. Accordingly, the Criminal Petition is disposed of.

9. 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: 11.11.2026
vnb

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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