APHC010597972026

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: 10071/2026

Between:

1. GOVARDHAN KUMAR, S/O LATE K.SREENIVASULU,AGED ABOUT 56 YEARS, OCC- PASTOR, R/O D.NO.PATHIKONDACOMPOUND,FORT,BELLARY,KARNATAKA.-583101
2. K YASHODA, W/O K.GOVARDHAN KUMAR,AGED ABOUT 54 YEARS, OCC- HOUSE WIFE, R/O D.NO.PATHIKONDACOMPOUND,FORT,BELLARY,KARNATAKA.-583101
3. DINESH KUMAR, S/O K.GOVARDHAN KUMAR,AGED ABOUT 32 YEARS, OCC- REAL ESTATE, R/O D.NO.PATHIKONDA COMPOUND,FORT,BELLARY,KARNATAKA.-583101

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, ,REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESHAT AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH- 522237
2. SRI BEALUAH RANI, D/O B.JOHN VICTOR, AGED ABOUT 28 YEARS,OCC- HOME MAKER, R/O D.NO. 1-1374,BANK COLONY,RAM NAGAR,ANANTAPUR TOWN, ANANTAPUR DISTRICT.-515001

...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. 344 of 2026 on the file of the Hon'ble Court of 1®* Additional Judicial 1st Class Magistrate, Anantapur. under Section 85 ,351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961

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 Appearance of the Petitioners in C.C. No. 344 of 2026 on the file of the Hon'ble Court of 1st Additional Judicial 1st Class Magistrate,Anantapur, in The Interests of Justice pending disposal of the main Criminal Petition

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 against the Petitioners pursuant to the proceedings in C.C. No. 344 of 2026 on the file of the Hon'ble Court of 1st Additional Judicial 1st Class Magistrate, Pulivendula, under Section 85,351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961,

Counsel for the Petitioner/accused(S):

1. P.MANJUNATH SAI
2. Pasupuleti Manjunath Sai

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 10071 of 2026

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 (A2 to A4), seeking to quash the proceedings in C.C. No. 344 of 2026 on the file of the Court of learned 1st Additional Judicial 1st Class Magistrate, Ananthapuramu, for the offences punishable under Section 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard Mr. Sayyad Anwar Basha, learned counsel representing Mr. P.Manjunath Sai, 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 (A2 to A4) before the trial Court by submitting petitioners' practical constraints that petitioner Nos.1 and 2 are the aged parents of A1 and are suffering from various ailments, whereas petitioner No.3 is the married brother of A1. It is further submitted that all the petitioners are residents of Bellary, Karnataka State, 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*

[1] 2022 LiveLaw (SC) 594

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 petitioners herein (A2 to A4). 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 Nos. 1 and 2 are suffering with ailments, petitioner No.3 is the married brother of A1, presence of petitioners herein (A2 to A4) before the 1st Additional Judicial 1st Class Magistrate, Ananthapuramu, in C.C. No. 344 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

CRIMINAL PETITION NO: 10071 of 2026

Date: 11.11.2026

vnb