APHC010598662026

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: 10082/2026

Between:

1. KONA VARAHA VENKATA RAMAN, S/O ESWARA RAO, AGED38 YEARS, OCC IT EMPLOYEE, R/O.D.NO.6-210, GOWTHAMNAGAR, OPPOSITE HANUMAN TEMPLE, VEPAGUNTA,PENDURTHY, VISAKHAPATNAM CITY. PRESENTLY RESIDING ATD.NO.626, YSR SECRETARIAT COLONY, IBRAHIMBAG,NEKNAMP

2. KONA RAJYA LAXMI, W/O ESWARA RAO, AGED 60 YEARS,OCC HOUSE HOLD, D.NO.6-210, GOWTHAM NAGAR,OPPOSITE HANUMAN TEMPLE, VEPAGUNTA, PENDURTHY,VISAKHAPATNAM CITY,

3. KONA ESWARA RAO, S/O LATE ADHINARAYANA RAO, AGED 68YEARS, OCC RETIRED NAVAL EMPLOYEE.D.NO.6-210,GOWTHAM NAGAR, OPPOSITE HANUMANTEMPLE, VEPAGUNTA, PENDURTHY, VISAKHAPATNAM CITY.

4. KONA PRIYANKA SAI PRASANNA ALIAS S PRASANNA, W/O. SURAKASULA JAGADISH, AGED 40 YEARS,OCC HOUSEWIFE, R/O D.NO.6-210, GOWTHAM NAGAR,OPPOSITE HANUMAN TEMPLE, VEPAGUNTA, PENDURTHY,VISAKHAPATNAM CITY. PRESENTLY R/O PLOT NO.404,ANANYA ENCLAVE, KOMPALLY, H

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLICPROSECUTOR, HIGH COURT OF ANDHRA PRADESH, NELAPADU,AMARAVATI, GUNTUR DISTRICT,

2. KONA SRUTEESWARAI, W/O VARAHA VENKAT RAMAN,AGED 31 YEARS, HINDU, HOSUEWIFE, R/O PLOT NO. 14,DASANNAPETA, VIZIANAGARAM.

...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 Courtpleased to quash the proceedings in C.C. No. 1777 of 2025 on the file of the learned Judicial First Class Magistrate (Special Mobile), Vizianagaram, against the Petitioners/A1 to A4, 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 pleased to stay all further proceedings, including the personal appearance of the Petitioners/A1 to A4, in C.C. No. 1777 of 2025 on the file of the learned Judicial First (Special Class Mobile), Magistrate Vizianagaram, and pass

Counsel for the Petitioner/accused(S):

1. T LAKSHMI PADMAJA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 10082 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 (A1 to A4), seeking to quash the proceedings in C.C. No. 1777 of 2025 on the file of the Court of learned Judicial First Class Magistrate (Special Mobile), Vizianagaram, for the offences punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

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 A4) before the trial Court by submitting petitioners' practical constraints that petitioner No.1/A1 is working as software employee (private job), he is busy with his professional duties, petitioner Nos.2 and 3 are the aged parents of petitioner No.1 and are suffering from various ailments, whereas petitioner No.4 is house wife, as such they could not attend the Court on each and every adjournment before the Trial Court at Vizianagaram. 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 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 No.1 is a private employee, petitioner Nos.2 and 3 are suffering with ailments, petitioner No.4 is a house wife, presence of petitioners herein (A1 to A4) before the Judicial First Class Magistrate (Special Mobile), Vizianagaram, in C.C. No. 1777 of 2025 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: 10082 of 2026

Date: 11.11.2026

vnb