APHC010643652025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

MONDAY, THE 16th DAY OF NOVEMBER 2026
PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 12389 OF 2025

Between:

1. Pukkalla Hari Kumar, S/o. Yarranna, Aged 31 years, Occ Seaman, R/o. Matsalesam Village, Near Kalingapatnam, Gara Mandal, Srikakulam District
2. Pukkalla Yarranna, S/o. Late Sandayya, Aged 58 Years, R/o. K. Matsalesam Village, Near Kalingapatnam, Gara Mandal, Srikakulam District.
3. Pukkala Tulasi Bai Tulasi, , W/o. Yarranna, Aged 50 Years, Occ HousewifeR/o. K. Matsalesam Village, Near Kalingapatnam, Gara Mandal, Srikakulam District
4. Pukkala Sanjay Sanjay Bhargav, S/o. Yarranna, Aged 29 Years, Occ Software Employee,R/o. K. Matsalesam Village, Near Kalingapatnam, Gara Mandal, Now residing at Plot No. 201, Sai Venkata Mohanniwas, Ravellapalem, Madhurawada, Visakhapatnam
5. Pukkala Ujwala Ujwala Sanjay, , W/o. Sanjay Bhargav, Aged 32 Years, Occ Housewife,R/o. K. Matsalesam Village, Near Kalingapatnam, Gara Mandal, Now residing at Plot No. 201, Sai Venkata Mohanniwas, Ravellapalem, Madhurawada, Visakhapatnam

...PETITIONER/ACCUSEDs

AND

1. The State of Andhra Pradesh, The State of Andhra Pradesh,Rep. by its Public Prosecutor, High Court at Amaravati, through the Station House Officer, Mahila U.P.S, Srikakulam District.
2. Pukkalla Laxmi Bai, . S/o. Hari Kumar,Aged 23 years, Occ Housewife, R/o. Near Simmanna Hospital, Dammala Street, Srikakulam Town District

...RESPONDENT/COMPLAINANTs

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 Courtmay be pleased to quash the proceedings in C.C. No. 912 of 2024, on the file of Principal Junior Civil Judge Court at Srikakulam, Srikakulam District against the petitioners/accused No. 1 to 5 and to pass such

IA NO: 1 OF 2025

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 may be pleased to dispense the certified copy of Charge Sheet and FIR in C.C. No. 912 of 2024, on the file of Principal Junior Civil Judge Court at Srikakulam, Srikakulam District and to pass such

IA NO: 2 OF 2025

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 may be pleased to grant stay of all further proceedings and appearance in C.C. No. 912 of 2024, on the file of Principal Junior Civil Judge Court at Srikakulam, Srikakulam District, pending disposal of criminal petition, and to pass such

Counsel for the Petitioner/accuseds: K RAMAKRISHNA REDDY

Counsel for the Respondent/complainants: 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 A5), seeking to quash the proceedings in C.C No.912 of 2024 on the file of the Principal Junior Civil Judge Court at Srikakulam, Srikakulam.

2. Heard learned counsel for the petitioners and Sri K. Sandeep, learned Assistant Public Prosecutor, appearing on behalf of respondent No.1-State.

3. Learned counsel for the petitioners submits that petitioner No.1 (A1) is a seaman, petitioner Nos.2 & 3 (A2 & A3) are old-age parents of petitioner No.1, who are suffering from old-age ailments, and petitioner Nos.4 & 5 (A4 & A5) are distant relatives of A1 living at Visakhapatnam District, and as such, it is difficult for them to attend the Court. Learned counsel, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioners before the trial Court by submitting the petitioners' practical constraints in attending before the trial Court and states that the petitioners shall not dispute their identity at a later stage of proceedings.

4. On the other hand, 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 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:

> *"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. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners herein. However,

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due to ground realities submitted by the counsel for the petitioners and as petitioner No.1 (A1) is a seaman, petitioner Nos.2 & 3 (A2 & A3) are old-age parents of petitioner No.1, who are suffering from old-age ailments, and petitioner Nos.4 & 5 (A4 & A5) are distant relatives of A1 living at Visakhapatnam District, presence of the petitioners herein (A1 to A5) before I Principal Junior Civil Judge Court at Srikakulam, Srikakulam, in C.C No.912 of 2024 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 petitioners to appear, when the trial Court specifically directs, this Order shall stand 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.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 16.11.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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