APHC010655782025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 12810 OF 2025

Between:

1. Mamilla Nagaraju, S/o Subramanyam Aged about 54 years. Business, Resident of S.B.I Colony,Near M.R Hospital, Nandyal Town, Kurnool District

...Petitioner

AND

1. The State of Andhra Pradesh, Through Public Prosecutor, High Court of Andhra Pradesh,Amaravati.

2. Sunku Chandrika, W/o. Mamilla Nagaraju,Age 38 Years, Occ House Wife,R/o Housing board extension area, Guntur Town,Guntur District, Andhra Pradesh.

...Respondents

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 all further proceedings in C.C. No. 869/2021, on the file of Hon'ble II Additional Junior Civil Judge Court, Guntur, A.P. for the offences punishable U/s. 498-A I.P.C & R/w. U/Sec 3 & 4 of Dowry Prohibition Act-1961 of Disha Women Police Station, Guntur Urban in Crime No. 10/2021 to the extent of Petitioners/

Accused No. 1 and to pass any such other and further orders as deemed fit and in the interests of justice

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 with the filing of the certified copy of C.C. No. 869/2021, on the file of Hon'ble II Additional Junior Civil Judge Court, Guntur, A.P. for the offences punishable U/s. 498-A I.P.C & R/w. U/Sec 3 & 4 of Dowry Prohibition Act-1961 of Disha Women Police Station, Guntur Urban in Crime No. 10/2021 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 Stay all further proceedings in C.C. No. 869/2021, on the file of Hon'ble II Additional Junior Civil Judge Court, Guntur, A.P. for the offences punishable U/s. 498-A I.P.C &. R/w. U/Sec 3 & 4 of Dowry Prohibition Act-1961 of Disha Women Police Station, Guntur Urban in Crime No. 10/2021 in respect of Petitioner/ Accused No. 1 including appearance of Petitioner/ Accused No. 1 pending disposal of the Criminal Petition in the interest of justice.

Counsel for the Petitioner: SRINIVASA KANNAMA REDDY

Counsel for the Respondents: PUBLIC PROSECUTOR

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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 CC No.869 of 2021 on the file of the II Additional Junior Civil Judge, Guntur, for the offences punishable under Section 498A of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, 1961.

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

3. Learned counsel for the petitioner submits that petitioner is aged about 55 years and is suffering from old-age ailments, and it is difficult for the petitioner 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 petitioner before the trial Court by submitting the petitioner's practical constraints in attending before the trial Court and states that the petitioner shall not dispute his 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 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.

5. 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.

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.,*

[1]2022 LiveLaw (SC) 594

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 petitioner herein. However, due to ground realities submitted by the counsel for the petitioner and as petitioner is aged about 55 years and is suffering from old-age ailments, presence of the petitioner herein (A1) before the II Additional Junior Civil Judge, Guntur, in CC No.869 of 2021 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.

8. Accordingly, the Criminal Petition is disposed of.

9. Needless to state that the petitioner is at liberty to raise all the grounds before the trial Court.

As a sequel, all pending interlocutory applications, if any, shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 29.10.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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29.10.2026

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