



IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE: NELLORE
(COURT OF SESSION: NELLORE DIVISION: NELLORE)

Present: **G.SRINIVAS**
Principal District & Sessions Judge
NELLORE

Tuesday, the 14th day of July 2026

CRIMINAL APPEAL No.151/2025

From which Court the appeal is preferred : Judicial Magistrate of I Class, Special Mobile Court, Nellore

Number of case in that Court : C.C.No.527/2018

Number of appeal in this court : Criminal Appeal No.151/2025

Name and address of the appellant / **de facto complainant** : Vemulapati Lakshmi Devi w/o Chenna Krishna, aged about 26 years, housewife, resident of B.V. Nagar, Nellore City.

Names and addresses of the respondent(s) / **accused & complainant (State)** :

1. Vemulapati Chenna Krishna s/o Lingaiah, aged 28 years, resident of D.No.4, 4th Main Cross Road, Ebbalam Basaweswar Layout, Nagasetty Halli, Bangalore – 560094. **(A-1)**
2. Vemulapati Vijayamma w/o Lingaiah, aged about 55 years, resident of D.No.4, 4th Main Cross Road, Ebbalam Basaweswar Layout, Nagasetty Halli, Bangalore – 560094. **(A-2)**
3. Vemulapati Lingaiah s/o Pullaiah, aged about 60 years, resident of D.No.4, 4th Main Cross Road, Ebbalam Basaweswar Layout, Nagasetty Halli, Bangalore – 560094. **(A-3)**
4. Vemulapati Chendrasekhar s/o Lingaiah, aged about 26 years, resident of D.No.4, 4th Main Cross Road, Ebbalam Basaweswar Layout, Nagasetty Halli, Bangalore – 560094. **(A-4)**
5. Vemulapati Chennakesava s/o Lingaiah, aged about 24 years, resident of D.No.4, 4th Main Cross Road, Ebbalam Basaweswar Layout, Nagasetty Halli, Bangalore – 560094. **(A-5)**

6. State: Station House Officer, Woman Police Station, Nellore, SPSR Nellore District
(Complainant)

The sentence and section of law : A-1 to A-5 are found not guilty for the
under which the accused was : offences under Section 498-A I.P.C. and Sections
convicted/ **acquitted** in the lower : 3 and 4 of Dowry Prohibition Act, and they are
court : accordingly acquitted under Section 248(1)
Cr.P.C. for the said offences.

Whether confirmed/modified or : CONFIRMED
reversed. If modified, the :
modification thereof : In the result, the appeal is dismissed,
confirming the judgment dated 28.7.2025 in
C.C.No.527/2018 on the file of the Judicial
Magistrate of I Class, Special Mobile Court,
Nellore.

Date of presentation : 10.11.2025
Date of filing : 20.11.2025
Date of Bail bond : --
Date of Hearing : 08.07.2026
Date of Judgment : 14.07.2026

This appeal coming on 8.7.2026 for final hearing before me, in the presence of Sri T.Srinivasa Rao – Advocate for the appellant, of Sri G.Suresh – Advocate for the respondents 1 to 5, and of the Public Prosecutor for the 6th respondent, and upon hearing, having stood over for consideration to this day, this Court delivered the following—

J U D G M E N T

This appeal is filed by the appellant, who is the de facto complainant in C.C.No.527/2018 on the file of the Judicial Magistrate of I Class, Special Mobile Court, Nellore (hereinafter referred to as 'the trial Court'), connected to

Crime No.113/2018 Women Police Station, Nellore, challenging the judgment of acquittal of the respondents 1 to 5 (A-1 to A-5) dated 28.7.2025 for the offences under Sections 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

(i) The appellant herein is the de facto complainant, the respondents 1 to 5 herein are A-1 to A-5 respectively, and the 6th respondent herein is the State/complainant, before the trial Court, and to avoid confusion and for the sake of convenience, they are hereinafter referred to as per their nomenclature before the trial Court.

2. The circumstances that led to the present appeal are as follows—

2.1 The complainant filed charge sheet in Crime No.113/2018 of Women Police Station, against A-1 to A-5 alleging, in brief, as follows:

(i) A-1 is the husband of de facto complainant/PW-1, A-2 and A-3 are his parents and A-4 & A-5 are his brothers.

(ii) The families of the de facto complainant/PW-1 and the accused are distantly related. A-1 was working as an Accountant in Hilton Hotel, at Bangalore. On 26.11.2017 the marriage of PW-1 was performed with A-1 at Bangalore city, in the presence of elders and friends of both sides. At the time of marriage, the parents of PW-1, i.e., PWs 2 and 3 presented dowry of ₹.5,00,000/- and 35 sovereigns of gold ornaments to A-1 to A-3, along with household articles worth ₹.1,00,000/-. Immediately after the marriage, PW-1 joined her matrimonial household at Bangalore, where A-1 to A-5 were settled. Immediately thereafter, on the pretext that as against ₹.10,00,000/- of dowry expected by them, PWs 2 and 3 gave only ₹.5,00,000/-, A-1 to A-5 started harassing PW-1 physically and mentally. On coming to know the same through PW-1, when her parents, i.e., PWs 2 and 3 questioned the accused, without showing any courtesy, A-1 to A-5 necked PW-1 out of their house.

(iii) Thereupon, PW-1 gave a complaint before the 6th respondent, who in turn registered a case against A-1 to A-5 in Crime No.113/2018 of Women Police Station, Nellore, on 12.8.2018 for the offences under Sections 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act. After completion of investigation, the 6th respondent filed chargesheet stating that prima-facie case is made out against A-1 to A-5 for the offences under Sections 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

2.2 The trial Court took cognizance of the case under Sections 498-A I.P.C and Sections 3 and 4 of Dowry Prohibition Act against A-1 to A-5, furnished copies of case documents to them on their appearance as required under Section 207 Cr.P.C. Charges under Sections 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act were framed against A-1 to A-5, read over and explained to them in Telugu, for which, they pleaded not guilty and claimed to be tried.

(i) Before the trial Court, on behalf of the prosecution PWs 1 to 4 were examined and Exhibits P-1 to P-3 were marked.

(iii) After the closure of prosecution evidence, A-1 to A-5 were examined under Section 313 Cr.P.C. explaining the incriminating circumstances appearing against them in the evidence of the prosecution witnesses, they denied the same, and reported no defence evidence.

(iv) After hearing arguments, and perusing the written arguments submitted by the learned defence counsel, and by considering the material available on record, in the light of the oral and documentary evidence adduced, the trial Court found A-1 to A-5 not guilty for the respective charges framed against them, and accordingly acquitted them under Section 248 (1) of Cr.P.C by its judgment dated 28.7.2025 in C.C.No.527/2018.

3. Aggrieved by the impugned judgment of acquittal dated 28.7.2025, the de facto complainant preferred this appeal on the following grounds —

(i) The judgment of the trial Court is contrary to law, weight of evidence and probabilities of the case.

(ii) The trial Court failed to appreciate the evidence of PWs 1 to 4 in proper perspective, though it is corroborative, and erroneously acquitted the accused instead of convicting them, by taking a lenient view.

(ii) Hence it is prayed to set aside the impugned judgment of the trial Court and convict the accused in accordance with law.

4. Heard both sides and perused the material available on record, including the written arguments filed on behalf of the accused.

(i) It is argued by the learned counsel for the accused that PW-1 gave an undertaking before Sanjeev Nagar Police Station at Bangalore that she will give divorce to A-1, and thereafter she filed the present case to gain wrongfully, and that in the counseling held at DLSA, Nellore, PW-1 demanded ₹.20,00,000/- to give divorce to A-1. He further argued that PW-1 filed M.C.No.91/2018 before the Family Court, Nellore seeking maintenance, and D.V.C.No.37/2019 before the Special Judicial Magistrate of I Class for trial of Prohibition & Excise Offences, Nellore. He also submitted that A-1 filed M.C.No.4443/2019 before the II Additional Principal Judge, Family Court, Bangalore seeking divorce and obtained ex parte decree against PW-1 on 23.9.2022. While stating that no specific overt acts of harassment of PW-1, either physically or mentally, are attributed to the accused, and there is no whisper of any specific incident of such harassment has been spoken to by PW-1, the learned defence counsel argues that none of the ingredients contemplated under Section 498-A I.P.C. or under Sections 3 and 4 of Dowry Prohibition Act are made out by the prosecution against the accused, to prove

their guilt for the said offences, thereby, the trial Court has rightly acquitted the accused by its impugned judgment. While further stating that unless the findings recorded by the trial Court are perverse, wholly unreasonable or contrary to the evidence on record, the appellate Court ought not to interfere with the judgment of acquittal. In this regard he placed reliance on the dictums of the Hon'ble Supreme Court in '*Chandrappa v State of Karnataka*',¹ and '*Mallappa v State of Karnataka*'.²

5. Now, the point that arises for consideration in this appeal is ***Whether there are any illegalities, irregularities, or infirmities in the impugned judgment of the trial Court, and if so, does it deserve any interference of this Court?***

6. **POINT:** - This Court has gone through the entire material available on record, including the oral evidence of PWs 1 to 4 and documentary evidence under Exhibits P-1 to P-3, coupled with the impugned judgment of the trial Court, in the light of the written arguments submitted by the learned counsel for the accused.

(i) To substantiate its case, the prosecution has examined the de-facto-complainant as PW-1, her mother as PW-2, her father as PW-3, and the Investigating Officer as PW-4.

7. At the outset, it is pertinent to note that the marriage of PW-1 with A-1 was performed on 26.11.2017 and the criminal case was registered against the accused on the complaint given by PW-1 on 12.8.2018, i.e., hardly within nine months from the date of marriage. Except the de facto complainant and her parents, who are interested in each other, the prosecution did not choose to examine any independent witness to substantiate its case. Therefore, the

¹ (2007) 4 SCC 415

² (2024) 3 SCC 544

interested' testimony of PWs 1 to 3 shall be scrutinized with due care and caution, to arrive at a just conclusion.

8. Even according to PW-1, she lived in the house of the accused only for a period of five months. Though it is alleged in the chargesheet that when the parents of PW-1 questioned the accused, A-1 to A-5 necked PW-1 out of their house, PW-1, in her evidence has categorically stated that A-4 harassed her sexually in front of the other accused, and she came back to Nellore and filed the case in Women Police Station, Nellore, and as the accused did not attend for counseling session despite intimation by police, the case was registered on 12.8.2018 on the basis of her complaint under Exhibit P-1.

(i) During the course of cross-examination of PW-1, she stated that dowry was given in the presence of LW-4/Shaik Rasheed and LW-5/Gopavaram Ravi, and that Shaik Rasheed is her younger sister's husband. PW-1 herself stated in her cross-examination that she and A-1 lived happily for three or four weeks, and that she did not file any case for restitution of conjugal rights but filed Maintenance Case and Domestic Violence Case against the accused.

(ii) Except stating that the accused harassed PW-1 demanding additional dowry, no specific incidents are spoken to even by PWs 2 and 3, who are the parents of PW-1 and who corroborated the evidence of PW-1.

9. Even as per the chargesheet except PWs 1 to 3, and LW-4/Rasheed who is a resident of Vedayapalem, and LW-5/Ravi who is a resident of Bangalore, no other witness was either examined by police or cited in the chargesheet.

(i) The Investigating Officer, who was examined as PW-4 before the trial Court, has simply stated in her evidence that on the complaint given by the de facto complainant/PW-1 on 12.8.2018 she registered a case against the accused under Exhibit P-2/F.I.R., examined PWs 1 to 3 and LW-4/Rasheed on

the same day at the police station, and on 13.8.2018 she examined LW-5/Ravi at the police station, and she visited the scene of offence at Bangalore on 16.9.2018 and prepared Exhibit P-3/rough sketch, and that on 8.10.2018 when A-1 to A-5 surrendered before her at the police station, she served noticed upon them under Section 41-A Cr.P.C. and after completion of investigation, she filed chargesheet.

(ii) A bare reading of the above evidence of PW-4 makes it clear that the Investigating Officer examined all the witnesses cited in the chargesheet at the police station itself, and she did not examine any witness at the alleged scene of offence at Bangalore, where the accused said to have subjected PW-1 to cruelty and harassment as alleged in the complaint. Moreover, she categorically admitted in her cross-examination that she did not examine any witnesses at Bangalore however she gave an excuse for that, stating that nobody came forward. She also admitted that no specific overt acts of the accused are not mentioned in Exhibit P-1 complaint. And also that there are residential houses around the scene of offence.

10. Thus, on thorough appraisal of the evidence of PWs 1 to 3, both in their chief and cross-examinations, none of them have spoken against the accused to the effect that A-1 to A-5 committed any acts willfully, which are of such a nature as is likely to drive PW-1 to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of PW-1 or that they harassed PW-1 with a view to coercing her parents, i.e., PWs 2 and 3, to meet any unlawful demand for any property or valuable security or is on account of failure by PWs 1 to 3 to meet such demand, to establish cruelty as contemplated under Section 498-A I.P.C. The Investigation Officer/PW-4 also did not examine any of the persons residing in the surrounding residential houses of the house of the accused at Bangalore. The only witness of Bangalore said to have been examined by PW-4 is LW-5/Ravi, but he too was examined by her in the police station at Nellore on the next date of the

complaint, but not during her alleged visit to Bangalore. Even the said witness was not examined before the trial Court.

(i) Further, the evidence of the two independent witnesses, i.e., Rasheed/LW-4 and Ravi/LW-5, who are cited in the chargesheet, has, of course, been given up by the prosecution for the reasons not known, and they were not examined before the trial Court as witnesses of prosecution. Thus, there is no evidence at all to establish that PWs 2 and 3 gave dowry to the accused at the time of marriage, or that the accused demanded additional dowry from PWs 2 and 3 subsequent to the marriage, to establish the guilt of A-1 to A-5 under Sections 3 and 4 of Dowry Prohibition Act.

(ii) Except the complaint given by PW-1, the F.I.R., and rough sketch of the alleged scene of offence, which are marked as Exhibits P-1 to P-3 on behalf of the prosecution, no documentary evidence at all is adduced by the prosecution, or produced by PWs 1 to 3, in support of any of the allegations made by PW-1 against the accused. Further, though there is no whisper in Exhibit P-1 in that regard, PW-1 in her evidence, improvised her version and stated that as A-4 subjected her to sexual harassment, she returned to Nellore.

(iii) In the circumstances, therefore, this Court is of the considered view that no offence at all is established by the prosecution against A-1 to A-5, much less the offence under Section 498-A I.P.C. or the offence under Sections 3 and 4 of Dowry Prohibition Act, as alleged, through the evidence of PWs 1 to 4 and Exhibits P-1 to P-3.

11. The intention of the legislature in making law under Section 498-A I.P.C. is to prevent cruelty committed upon a woman by her husband and in-laws, by facilitating rapid state intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased

tendency to employ provisions such as 498-A I.P.C. as instruments to settle personal scores against the husband and his relatives. It is further manifest from the judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked, would result in misuse of the process of law. Therefore, the Hon'ble Supreme Court of India by way of its judgment has warned the Courts from proceeding against the relatives and in-laws of the husband, when no prima facie case is made out against them, for which this Court is relying upon the dictum of Hon'ble Apex Court in "**Kahkashan Kausar @ Sonam & others Vs. State Bank of Bihar & Others**".³

(i) Furthermore, law is settled under Section 498-A of I.P.C. and it is held in **Arnesh Kumar Vs. State of Bihar**,⁴ by the Hon'ble Apex Court that "In a quite number of cases, bed-ridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested. "Crime in India 2012 Statistics" published by National Crime Records Bureau, Ministry of Home Affairs shows arrest of 1,97,762 persons all over India during the year 2012 for offence under section 498-A of the I.P.C., 9.4% more than the year 2011. Nearly a quarter of those arrested under this provision in 2012 were women i.e. 47,951 which depicts that mothers and sisters of the husbands were liberally included in their arrest net. Its share is 6% out of the total persons arrested in the crimes committed under I.P.C. It accounts for 4.5% of total crimes committed under different sections of I.P.C., more than any other crimes except *theft* and *hurt*. The rate of charge-sheeting in cases under section 498-A of I.P.C. is as high as 93.6%, while the conviction rate is only 15%, which is lowest across all heads.

(ii) In the recent course several dictums were passed by the Hon'ble Apex Court that unnecessarily sisters and brothers of the husband and their spouses, and their unmarried daughters and employed kith and kin, are unnecessarily being roped into the cases under Section 498-A I.P.C. even though disputes are in between the husband and wife. So, these types of cases

³ 2022 in Live Law (SC) 141

⁴ AIR 2014 SC 2756

shall be dealt with utmost caution by the respective Courts. The evidence of the wife has to be corroborated with surrounding circumstances. Mere testimony of the wife that she meted with cruelty is not inspiring confidence to the Court. The evidence under cruelty is not made out in the case on hand.

(iii) "Mere demand for dowry is no offence under section 498-A of I.P.C. and simplicitor allegation of intimidation does not constitute harassment." Moreover, in the case on hand, this Court has not found the ingredients under Section 498-A I.P.C. and Section 4 of Dowry Prohibition Act, as the main contention of the de facto complainant is not established against the accused. The evidence of all the prosecution witnesses is not corroborating with each other, and this Court found several contradictions in the evidence of prosecution witnesses. This clearly shows that there is nothing to hold that the de facto complainant meted out any cruelty in the hands of the accused.

(iv) "For bringing a case under Section 498-A of I.P.C., the material placed on record should show that the ill treatment was meted out by the husband or a relative, which is connected with non-fulfillment of demand of dowry. Taking the allegations at their face value in the F.I.R. or even in the entire material placed in the charge-sheet, it will show that there is no averment or material to show that the appellant (husband) was in any way concerned with causing harassment on account of non-fulfillment of demand of dowry, the continuation of criminal proceedings against the appellant herein would be nothing else but an abuse of process of law. The precedent ensures that Section 498-A of I.P.C. is not misused to target individuals who do not fall within its statutory scope, thereby upholding the principle that criminal law should be applied strictly and not extended beyond its intended purpose. It also sets a benchmark for courts to scrutinize allegations in matrimonial disputes carefully and to prevent the abuse of criminal processes against unrelated third parties."

(v) Moreover, the Hon'ble Supreme Court has observed that in recent years there has been a growing tendency to misuse provision as a tool for infringement, unleashing personal vendetta against the husband and his family

by wife, vague and generalized allegations made during the matrimonial conflicts. If not scrutinized, it will lead to misuse of the legal process. And the encouragement for use of twisting tactics by wife and her family members. Sometimes, recourse is taken by invocation of Section 498 of I.P.C. against the husband and family in order to seek complainant with unreasonable demand of a wife. And these practices shall be curbed, as it is not the intention of the legislature to make the law under Section 498-A of IPC and it is only intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the state. However, in recent years, as there have been a notable rise in matrimonial disputes across the country accompanied by growing discord and tension with the institution of marriage, consequently there has been a growing tendency to misuse provision like Section 498-A of I.P.C. The said opinion was rendered by Hon'ble Apex Court, which is reported in ***Criminal Appeal No. 5199 of 2024***,⁵ by Division Bench.

(vi) The Hon'ble Apex Court has also observed that marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But a little matrimonial stimulus suddenly erupts which often assumes serious proportions resulting in commission of heinous crimes in which the elders of the family are also involved with the result that those who could have counseled and brought about reproachment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons. Which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lost their younger days in chasing their case. In different courts losing the valuable time and money before the courts. The said

⁵ 2025 Volume 1 ALD 605 Supreme Court dated 10.12.2024

opinion made by Hon'ble Supreme Court in "**Preeti Gupta and Another v. State of Jharkhand and Another**".⁶

12. In view of the above discussion, and further going by the dictums of the Hon'ble Apex Court in '**Chandrappa & Others v State of Karnataka**' (supra), and '**Jafarudheen & Others v State of Kerala**',⁷ wherein it is held that *in case of acquittal, there is a double presumption in favour of the accused, firstly, the presumption of innocence available to him under the fundamental principle of criminal jurisprudence that every person should be presumed to be innocent unless he is proved to be guilty by a competent court of law, and secondly, the accused having secured an acquittal, the presumption of his innocence is certainly not weakened but reinforced, reaffirmed and strengthened by the trial Court*, this Court has no hesitation to hold that the trial Court has elaborately discussed all the legal aspects and by appropriate judicial appreciation of the evidence adduced by the prosecution, both oral and documentary, found the accused not guilty of any of the charges framed against them, and has rightly acquitted them. Therefore, this Court finds no irregularities, illegalities or infirmities in the impugned judgment of the trial Court, as such, the present appeal deserves to be dismissed. Accordingly, the point is answered.

13. In the result, the appeal is dismissed, confirming the judgment dated 28.7.2025 in C.C.No.527/2018 on the file of the Judicial Magistrate of I Class, Special Mobile Court, Nellore.

Typed to my dictation by the Stenographer, corrected and pronounced by me in the Open Court, this the 14th day of July 2026.

Sd/- (G.SRINIVAS)
Principal District & Sessions Judge
NELLORE

⁶ AIR 2010 SC 3363 :: 2011 (1) ALD (Criminal) 297 (SC)

⁷ 2022(1) Acquittal 224 (SC)

APPENDIX OF EVIDENCE

---NIL---

Sd/- (G.SRINIVAS)
Principal District & Sessions Judge
NELLORE