



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 255/2023

Between:

BOBBILI PRAKASH, S/O (LATE) VIJAY KUMAR, AGED ABOUT 34
YEARS, R/O D.NO.2-76, BALLEMVARI VEEDHI, HUSSAIN STEET,
RAMAVARAPPADU, VIJAYAWADA, KRISHNA DISTRICT.

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY SHO, WOMEN
POLICE STATION, ELURU, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF ANDHRA PRADESH, AMARAVATI. ...
RESPONDENT/ COMPLAINANT

2.BOBBILI VIJAYAMBICA, W/O KISHORE KUMAR, AGED ABOUT 34
YEARS, R/O MRC COLONY, TANGELLAMUDI, ELURU, WEST
GODAVARI DISTRICT

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1.MANUBROLU SRINIVASA RAO

Counsel for the Respondent/complainant(S):

1.Y N ANJANEYACHARYULU

2.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

The instant petition under Section 482 Cr.P.C has been filed by the
Petitioner / Accused No.4, seeking quashment of proceedings against him in
C.C.No.352 of 2020 on the file of the Court of II Additional Judicial Magistrate
of First Class, Eluru for the offences under Sections 498-A and 344 read with

34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'DP Act').

2. Heard Sri Manubrolu Srinivasa Rao, learned counsel for the Petitioner, Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for State and Sri Y.N.Anjaneyacharyulu, learned counsel for Respondent No.2.

3. Learned counsel for the Petitioner would submit that the Petitioner herein is the younger brother of Accused No.1, who is the husband of Respondent No.2. Learned counsel would further submit that, except the omnibus allegations, there are no specific overt acts attributed against the Petitioner to attract the alleged offences against him. It is further submitted that the Petitioner is working as a Software Engineer in Bengaluru and he never lived with the family of Respondent No.2 in the same house. It is further submitted that, except making a reference that the Petitioner supported to harass Respondent No.2, nothing is attributed against him. Learned counsel would finally pray to quash the proceedings against the Petitioner.

4. Learned counsel for Respondent No.2 would submit that there are allegations made against the Petitioner in the complaint and the matter requires trial. Learned counsel would further submit that, as per the contents of the complaint, the Petitioner / Accused No.4 also used to reside in the same house along with Accused No.1 and Respondent No.2.

5. Learned Assistant Public Prosecutor supported the version of Respondent No.2.

6. Learned counsel for the Petitioner, in reply, would submit that, Accused No.1 and Respondent No.2 used to reside in Vijayawada for some time and they also stayed at Hyderabad and the Petitioner herein never resided in Vijayawada after the marriage of Accused No.1 and Respondent No.2.

7. Considering the submissions made and a fair look at the material placed record, as rightly put by the learned counsel for the Petitioner, except omnibus allegations there are no specific attributions made against the Petitioner. The contents of the complaint would show that there is a reference against the Petitioner that he used to support his brother i.e., Accused No.1 to harass Respondent No.2 to bring additional dowry.

8. The Hon'ble Apex Court in **Payal Sharma Vs. State of Punjab and Another¹**, held as follows:

"The decisions referred above on the subject of exercise of power under Section 482 Cr.P.C., would undoubtedly cast a duty on the Courts to consider the contentions that there is lack of specific allegations against the accused concerned to constitute the offence(s) alleged against a relative or that the implication was nothing but an over implication to pressurise the family of the husband to yield to the demands. The Courts cannot refrain from discharging the obligation to consider such contentions. It appears that in the case on hand despite raising of specific contentions which require deeper consideration, may be taking note of the submissions made on behalf of the complainant that the challan was presented and the matter stood listed for framing charges and hence, it would be open to accused No.5 to raise all plea at the time of framing of the charges, the Court refrained itself from considering the contentions raised against accused No.5."

9. In **Dara Lakshmi Narayana & Others vs. State of Telangana and another²**, the Hon'ble Apex Court held as follows:

"31. Further, this Court in Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into

¹ SLP (CrI.) No. 3995 of 2022, dated 26.11.2024

² 2024 INSC 953

consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection.

32. We, therefore, are of the opinion that the impugned FIR No.82 of 2022 filed by respondent No.2 was initiated with ulterior motives to settle personal scores and grudges against appellant No.1 and his family members i.e., appellant Nos.2 to 6 herein. Hence, the present case at hand falls within category (7) of illustrative parameters highlighted in Bhajan Lal. Therefore, the High Court, in the present case, erred in not exercising the powers available to it under Section 482 CrPC and thereby failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants."

10. In the backdrop of the legal positions referred to *supra*, it is not uncommon to see the roping of other family members of the husband in matrimonial cases to settle the terms with the husband. In view of the facts and circumstances of the present case, this Court is of the view that, in the absence of any specific allegations against the Petitioner / Accused No.4 to attract the offences alleged against him, continuation of criminal proceedings against the Petitioner is sheer abuse of process of law. In that view, it is a fit case for quashment of the proceedings against the Petitioner / Accused No.4 by exercising the jurisdiction under Section 482 Cr.P.C.

11. In result, the Criminal Petition is allowed and the proceedings against Petitioner / Accused No.4 in C.C.No.352 of 2020 on the file of the Court of II Additional Judicial Magistrate of First Class, Eluru, are hereby quashed.

Pending miscellaneous petitions, if any, shall stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:23.10.2025
Dinesh

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.P.No.255 of 2023

Dt.23.10.2025

Dinesh