

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 3057 OF 2025

Between:

1. Medibiona Suresh Kumar, S/o. Jogarao, Age 28 years, R/o.D.No.1-36/1/F/, Road No.6, Jawahar Colony, ChandaNagar, Hyderabad RR District, Telangana State.
2. Smt.Medibiona Kamala, W/o. Jogarao, Age 50 years, R/O.D.NO.1-36/1/F/, Road No.6, Jawahar Colony, ChandaNagar, Hyderabad RR District, Telangana State.

...PETITIONER/A-2 to A3

AND

1. The State Of Andhra Pradesh, Rep.by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati,
2. Smt.Medibiona Vijaya, W/o. Ramesh Kumar, Age 32 years, Occ Govt. Employee, R/o.D.No.34-15-10, Sirli Veedhi, Gnanapuram Village and Mandal Visakhapatnam City, Andhra Pradesh.

...RESPONDENT/DEFACTO COMPLAINANTS

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings for offences U/s

Secs.498-A,109 IPC and u/s 3 and 4 of the D P Act, 1961, CC No. 135 / 2020 on the file of the Hon'ble I Additional Chief Judicial Magistrate, Visakhapatnam

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition the High Court may be pleased to stay of all further proceedings in CC No. 135/2020 on the file of the Hon'ble I Additional Chief Judicial Magistrate, Visakhapatnam

This Petition coming on for hearing upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K B Ramanna Dora, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent

The Court made the following :Order

THE HON'BLE SRI JUSTICE HARINATH.N**CRIMINAL PETITION No.3057 OF 2025****ORDER:**

1. The petitioners are arraigned as Accused Nos.2 and 3 in C.C. No.135 of 2020 on the file of the Court of the I Additional Chief Judicial Magistrate, Visakhapatnam, for the alleged offences under Sections 498-A, 109 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act.
2. The 1st petitioner is the brother of the Accused No.1 and the 2nd petitioner is the mother of the Accused No.1 and petitioner No.1. It is alleged in the complaint that the 2nd respondent and the 1st accused were acquainted with each other, while the 1st accused was working as a receptionist and the 2nd respondent was working as staff nurse at Manipal Hospital during the year 2013-14.
3. It is stated in the complaint that the 2nd respondent and the 1st accused were in love and after convincing the elders, they got married on 10.04.2014 at Visakhapatnam. It is alleged that an amount of Rs.4,00,000/- was paid in cash apart from 50 grams of gold ornaments. It is also stated that other marriage gifts worth Rs.3,00,000/- were given to the 1st accused. The 2nd respondent gave birth to a girl child on 23.09.2015. It is stated that the 2nd respondent was harassed for the additional dowry by the petitioners. It is also alleged that the 1st accused developed illegal intimacy with the 4th accused.

4. On the strength of the complaint, the police have registered the crime and after completion of investigation, filed the charge sheet. The learned counsel for the petitioner submits that the disputes between the 1st accused and the 2nd respondent arose on account of the alleged intimacy between the 1st accused and the 4th accused. It is also submitted that the allegations do not reveal the involvement of the petitioners in commission of the alleged offences. It is also submitted that the petitioners are residing at Hyderabad and that they never interfered in the marital disputes between the 1st accused and the 2nd respondent.
5. Heard the submissions of the learned counsel for the petitioners and the learned Assistant Public Prosecutor appearing for the State. Perused the record.
6. The police in the course of investigation have recorded the statements of as many as 9 witnesses. The listed witnesses Nos.3 to 7 state the facts as narrated by the L.W.1. All the grounds raised by the petitioner are issues of fact which would have to be decided by the trial court after a full-fledged trial. This Court in the present quash petition cannot consider the submissions of the learned counsel for the petitioner seeking the prayer of quashing the proceedings in C.C. No.135 of 2020 on the file of the Court of the I Additional Chief Judicial Magistrate, Visakhapatnam, against the petitioners.

7. With the above observation, the criminal petition is disposed of, leaving it open for the petitioners to raise all the grounds as raised in the quash petition before the trial court when the matter is taken up for trial.
8. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Sd/- M. PRABHAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The I Additional Chief Judicial Magistrate, Visakhapatnam.
2. The Station House Officer, Women police Station, Visakhapatnam City.
3. One CC to Sri K B Ramanna Dora, Advocate [OPUC]
4. Two CCs to The Public Prosecutor, High Court of Andhra Pradesh. [OUT]
5. Two CD Copies

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HIGH COURT

DATED :21/03/2025

ORDER

CRLP.No.3057 of 2025



DISPOSING THE CRLP