



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

[3327]

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

CRIMINAL PETITION NO: 2936/2023

Between:

1. PETTA PUSPAVATHI, W/O PEDA ERRIYYA, 59 YEARS, SC-MALA, D.NO. 4-29/A, GUTHINADEEVI VILLAGE, I. POLAVARAM MANDAL, EAST-GODAVARI DISTRICT.
2. MAGAPU KISHORE, S/O SATYANARAYANA, 38 YEARS, SC-MALA, D.NO. 2-105, KARAPA CHINTHALA PUDI VILLAGE, MAMMIDIVARAM MANDAL, EAST-GODAVARI DISTRICT

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATI.
2. PETTA PARIMALA, W/O BALA VEERA VENKATARAMANA, AGE 26 YEARS, SC-MALA, VOOLAPALLI VILLAGE, BICCAVOLE MANDAL, EAST-GODAVARI DISTRICT.

...RESPONDENT/COMPLAINANT(S):

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 Court pleased to quash the proceedings in C.C. No. 772/2023 on the file of the Judicial First Class Magistrate Court, Anaparthi, East Godavari District in Crime (FIR) No. 165 of 2021 of the S.H.O. of Biccavole Police Station, for the offence punishable Under section 498-A IPC, 3 and 4 of Dowry Prohibition Act (DP Act), and pass

IA NO: 1 OF 2023

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 to dispense with Photostat copies in C.C. No. 772/2023 on the file of the Judicial First Class Magistrate Court, Anaparthi, East Godavari District in Crime (FIR) No. 165 of 2021 of the S.H.O. of Biccavole Police Station, for the offence punishable Under section 498-A IPC, 3 86 4 of Dowry Prohibition Act (DP Act), and pass

IA NO: 2 OF 2023

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 to stay all further proceedings in C.C. No. 772/2023 on the file of the Judicial First Class Magistrate Court, Anaparthi, East Godavari District in Crime (FIR) No. 165 of 2021 of the S.H.O. of Biccavole Police Station, for the offence punishable Under section 498-A IPC, 3 86 4 of Dowry Prohibition Act (DP Act) including with the appearance, till the disposal of the main case and pass

Counsel for the Petitioner/accused(S):

1. SIMHACHALAM KARUKOLA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the Petitioners/A.2 and A.3, to quash the proceedings in C.C.No.772 of 2023 on the file of the learned Judicial Magistrate of First Class, Anaparthi, East Godavari District relating to Crime No.165 of 2021 of Biccavole Police Station, registered against the Petitioners/A.2 and A.3 and other accused, for the offences punishable under Section 498-A of the Indian Penal Code, 1860 (for brevity, 'IPC') and Section 3 and 4 of Dowry Prohibition Act (for brevity 'DP Act').

2. The allegations against the petitioners/accused, as set out in the charge sheet, are that 2nd respondent-defacto complainant, a resident of Voolapalli Village, married A-1, Petta Bala Veera Venkata Ramana, on 17.01.2019, after fulfillment of dowry demands and customary gifts. A-1, a Software Engineer working in South Africa, allegedly subjected her to harassment for additional dowry, with the support of A-2 (his mother) and A-3 (his relative). It is further alleged that A-1 pressurized her to give consent for divorce for the purpose of contracting another marriage for higher dowry and ultimately drove her out of the matrimonial home, forcing her to return to her parental house. As reconciliation efforts failed, she lodged the police report. Based on the said report, a case in Crime No. 165/2021 was registered for the offences under Section 498-A IPC and Sections 3 and 4 of the D.P. Act. The investigating officer examined the complainant and witnesses, inspected the scene of offence, and recorded statements under Section 161 Cr.P.C. After completion

of investigation, a *prima facie* case was found against A-1 to A-3, and a charge sheet was filed.

3. Learned counsel appearing on behalf of the petitioners/A.2 and A.3 submits that, even if the entire allegations are taken to be true, no *prima facie* case for the offence under Section 498-A of the IPC or Sections 3 and 4 of the DP Act is made out against the petitioners herein. He further submitted that, apart from a vague and omnibus allegation that the petitioners supported A.1 in harassing the de facto complainant, there are no specific allegations against them. Learned counsel also submits that the petitioners are the mother and sister of A.1, and that all the allegations in the charge sheet are primarily attributed to A.1. He further submits that, pursuant to the directions of this Court, notice has been issued to Respondent No.2; however, although the notice has been duly served, there has been no appearance on behalf of Respondent No.2.

4. Learned Assistant Public Prosecutor, appearing on behalf of Respondent No.1–State, submits that there is a specific allegation against the petitioners/accused that they supported A.1 in harassing the de facto complainant for additional dowry. According to him, the said allegation is sufficient to require the petitioners to face trial, as truth or otherwise of the said accusation, has to be determined during the course of trial, and at this stage, interference by this Court at the threshold is not warranted.

5. Heard learned counsel appearing on behalf of the petitioners/A.2 and A.3 and the learned Assistant Public Prosecutor, appearing on behalf of the Respondent No.1-State. Perused the material available on record.

6. There cannot be any dispute that inherent powers of this Court under Section 482 Cr.P.C can be exercised to prevent abuse of process of Court or to give effect to any order under the code or to secure the ends of justice. This Court is also conscious of the fact that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases and that the Court would not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the report. On this aspect, it is pertinent to refer to the judgment of the Hon'ble Apex court in ***State of Haryana Vs. Ch.Bhajanlal and ors.***¹, wherein the Apex Court held,

“In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value

¹ AIR 1992 SC 604

and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

- (2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155 (2) of the Code;
- (3) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;
- (4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code;
- (5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;
- (6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;
- (7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

7. Marriage of A.1 was performed with the de facto complainant on 17.01.2019 in the presence of elders by fulfilling their dowry demand and other customs. A.1 was working as a Software Engineer in South Africa. It is alleged that A.1 has been harassing the de facto complainant for the sake of

additional dowry by criticizing her with harsh words. In this connection, the petitioners are alleged to have supported A.1. It is further alleged that A.1 demanded defacto complainant to give consent for divorce so that he could contract another marriage for additional dowry. He is also alleged to have coerced her, under the influence of certain substances, to speak in his favour in order to get rid of her, and ultimately drove her out of his house. Despite best efforts to pacify A.1, as the same has not been materialized, the de facto complainant lodged the present complaint against the petitioners and her in-laws.

8. Going by the accusations in the charge sheet, except a vague and bald accusation that the petitioners supported A.1 in harassing the de facto complainant, there is no other material against the petitioners in the charge sheet to connect them with the offences alleged. This Court perused the statements of the witnesses, which are integral part of the charge sheet. In those statements also, there is absolutely no specific accusation as against the petitioners, except reiterating the bald statements that has been mentioned in the charge sheet.

9. In a decision reported in ***Preeti Gupta and another v. State of Jharkhand & another***², wherein it was held thus: (paragraphs 30 to 34).

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this Court are flooded with

² (2010) 7 SCC 667

matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

31. The courts are receiving a large number of cases emanating from Section 498-A of the Penal Code which reads as under:

“498-A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, ‘cruelty’ means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

10. A decision of the Hon’ble Apex Court in ***Mirza Iqbal @ Golu and another v. State of Uttar Pradesh and another***,³ wherein it was held thus: (paragraphs 11 and 12).

“11. The appellants are brother-in-law and mother-in-law respectively of the deceased. A perusal of the complaint filed by the 2nd respondent, pursuant to which a crime was registered, does not indicate any specific allegations by disclosing the involvement of the appellants. It is the specific case of the 1st appellant that he was working as a cashier in ICICI Bank at Khalilabad branch, which is at about 40 kms from Gorakhpur. The alleged incident was on 24.07.2018 at about 8 p.m. When the investigation was pending, the 1st appellant has filed affidavit before Senior Superintendent of Police on 08.08.2018, giving his employment details and stated that he was falsely implicated. It was his specific case that during the relevant time, he was working at ICICI Bank, Khalilabad branch, Gorakhpur and his mother was also staying with him. The Branch Manager has endorsed his presence in the branch, showing in-time at 09 : 49 a.m. and out-time at 06 : 25 p.m. Even in the statement of 2nd respondent recorded by the police and also in the final report filed under Section 173(2) of Cr.P.C., except omnibus and vague allegations, there is no specific allegation against the appellants to show their involvement for the offences alleged. This Court, time and again, has noticed making the family members of husband as accused by making casual reference to them in matrimonial disputes. Learned senior counsel for the appellants, in support of her case, placed reliance on the judgment of this Court in the case of *Geeta Mehrotra v. State of Uttar Pradesh*¹. In the aforesaid case, this Court in identical circumstances, has quashed the proceedings by observing that family members of husband were shown as accused by making casual reference to them. In the very same judgment, it is held that a large number of family members are shown in the FIR by casually mentioning their names and the contents do not disclose their active involvement, as such, taking

³2021 SCC OnLine SC 1251

cognizance of the matter against them was not justified. It is further held that taking cognizance in such type of cases results in abuse of judicial process. Paras 18 and 25 of the said judgment, which are relevant for the purpose of this case, read as under:

“18. Their Lordships of the Supreme Court in *Ramesh* case [(2005) 3 SCC 507 : 2005 SCC (Cri) 735] had been pleased to hold that the bald allegations made against the sister-in-law by the complainant appeared to suggest the anxiety of the informant to rope in as many of the husband's relatives as possible. It was held that neither the FIR nor the charge-sheet furnished the legal basis for the Magistrate to take cognizance of the offences alleged against the appellants. The learned Judges were pleased to hold that looking to the allegations in the FIR and the contents of the charge-sheet, none of the alleged offences under Sections 498-A, 406 IPC and Section 4 of the Dowry Prohibition Act were made against the married sister of the complainant's husband who was undisputedly not living with the family of the complainant's husband. Their Lordships of the Supreme Court were pleased to hold that the High Court ought not to have relegated the sister-in-law to the ordeal of trial. Accordingly, the proceedings against the appellants were quashed and the appeal was allowed.

25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegations of overt act indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasise by highlighting is that, if the FIR as it stands does not disclose specific allegation against the accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognizance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant wife. It is the well-settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the

abuse of process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing, especially in cases of matrimonial disputes whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of overimplication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding.”

12. From a perusal of the complaint filed by the 2nd respondent and the final report filed by the police under Section 173(2) of Cr.P.C., We are of the view that the aforesaid judgment fully supports the case of the appellants. Even in the counter affidavits filed on behalf of respondent nos. 1 and 2, it is not disputed that the 1st appellant was working in ICICI Bank at Khalilabad branch, but merely stated that there was a possibility to reach Gorakhpur by 8 p.m. Though there is an allegation of causing injuries, there are no other external injuries noticed in the postmortem certificate, except the single ante-mortem injury i.e. ligature mark around the neck, and the cause of death is shown as asphyxia. Having regard to the case of the appellants and the material placed on record, we are of the considered view that except vague and bald allegations against the appellants, there are no specific allegations disclosing the involvement of the appellants to prosecute them for the offences alleged. In view of the judgment of this Court in the case of *Geeta Mehrotra*¹, which squarely applies to the case of the appellants, we are of the view that it is a fit case to quash the proceedings.”

11. In a decision reported in ***Kahkashan Kausar @ Sonam Vs State Of Bihar***⁴, wherein it was held as follows :

18. “The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said 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,

⁴ 2022 LiveLaw (SC) 141

this court by way of its judgments 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.

22. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the accused appellants, it would be unjust if the Appellants are forced to go through the tribulations of a trial, i.e., general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must therefore be discouraged."

It has been consistently held by the Hon'ble Apex Court and this Court that it has become a routine practice for the victims in matrimonial offences to implicate all the family members of A.1 with a view to wreck vengeance. Since the accusations set out in the charge sheet are vague and bald, continuation of proceedings as against the petitioners herein would amount to an abuse of process of Court. Even if the entire accusations made as against the petitioners/A.2 and A.3 are accepted as true and correct, no *prima facie* case for the offences alleged is made out against them. The present case squarely falls under Clause (3) of the *Bhajan Lal's* case (1 supra). When such is the case, there is no point in allowing the petitioners to face the entire ordeal of trial. Hence, continuation of the impugned proceedings is nothing but abuse of process of Court.

12. Accordingly, the Criminal Petition is allowed, and the proceedings in Calendar Case No.772 of 2023 pending on the file of learned Judicial

Magistrate of First Class, Anaparthi, East Godavari District, as against the petitioners/A.2 and A.3 herein are quashed.

As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition, shall stand closed.

JUSTICE K. SREENIVASA REDDY

Date: 29.04.2026.

MS

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No: 2936 of 2023

Date: 29.04.2026

MS