



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

[3521]

**TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION Nos: 3122 of 2023 & 12975 of 2025

Crl.P.No.3122 of 2023

Between:

- 1.S.LAVANYA, W/O S.MUKUNDA, AGED /18 YEARS, OCCU. HOME MAKER, R/O SREE RAGHAVENDRA NILAYA, NEAR MALLIKARJUNA SWAMY TEMPLE, VALMIKI NAGAR, CHELIKERA VILLAGE AND TOWN, CHITRA DURG DISTRICT, KARATAKA STATE.
- 2.A.NAGAVENI,, W/O A. GIRIDHAR, AGED 45 YEARS, OCCU. HOME MAKER, SRI ANANTHA LAKSHMI SPINNING MILL PVT. LTD., BOYA PALEM VILLAGE, GUNTUR DISTRICT.
- 3.S.SUNITHA,, W/O S.RAGHU, AGED 39 YEARS, OCCU. HOME MAKER, R/O LIG-4, APHB COLONY, ADONI TOWN, KURNOOL DISTRICT.

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP., BY PUBLIC PROSECUTOR, HIGH COURT, AMARAVATHI.
- 2.MARKAPURAM RAMA SUBBAMMA, W/O. LATE SIIHHARAYUDU, AGE 68 YEARS,R/O. DHONE TOWN AND MANDAL, KURNOOL DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

- 1.SRIMAN

Counsel for the Respondent/complainant(S):

- 1.SUBBA RAO JANDHYAM
- 2.PUBLIC PROSECUTOR (AP)

Crl.P.No.12975 of 2025

Between:

- 1.SRIRAMULA GOPAL, S/O HANUMANTHAIAH,AGED 76 YEARS, OCCU NIL,R/O 12-62, SIDDABAVI TEMPLE STREET,OLD PET, PATTHIKONDA, KURNOOL DISTRICT.ANDHRA PRADESH STATE.
- 2.SRIRAMULA JANAKI, W/O SRIRAMULA GOPALAGED 72 YEARS, OCCU HOME MAKER,R/O 12-62, SIDDABAVI TEMPLE STREET,OLD PET, PATTHIKONDA, KURNOOL DISTRICT.ANDHRA PRADESH STATE.

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITSPUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATHI.
- 2.MARKAPURAM RAMA SUBBAMMA, W/.O. LATE SUBBARAYUDU, AGE 68 YEARS,R/O. DHONE TOWN AND MANDAL, KURNOOL DISTRICT. DIED

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

- 1.SRIMAN

Counsel for the Respondent/complainant(S):

- 1.SUBBA RAO JANDHYAM
- 2.PUBLIC PROSECUTOR

The Court made the following:

COMMON ORDER:

These two Criminal Petitions are heard and disposed of by way of this common order inasmuch as the facts and circumstances in the two cases are one and the same but the Petitioners are different.

2. These Criminal Petitions have been filed by the Petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking quashment of all proceedings in PRC No.7 of 2023 pending on the file of the learned Judicial Magistrate of First Class, Pathikonda, which arose from Crime No.255 of 2021 registered at Pathikonda Police Station for offences punishable under Sections 498-A and 306 read with Section 34 of the Indian Penal Code, 1860 (for brevity 'the I.P.C.,') and Sections 3 & 4 of the Dowry Prohibition Act, 1961 (for brevity 'the D.P.Act.,').

3. The factual matrix giving rise to the present Criminal Petitions is as follows: The marriage of Accused No.1/Anantha Swaroop, was solemnized with one Surekha @ Padmavathi (hereinafter referred to as 'the deceased') approximately ten years prior to the incident. At the time of the said marriage, the family of the deceased is stated to have paid a sum of Rs.5,00,000/- (Rupees Five Lakhs only) and 20 tulas of gold as dowry. The deceased, Accused No.1, and his parents, namely Accused No.2/Gopal, and Accused No.3/Janaki, all resided under the same roof.

4. The prosecution's case, as set out in the First Information Report, is that after the birth of the first female child, Accused Nos.1 to 3 allegedly subjected the deceased to relentless physical and mental harassment on the ground that she had not given birth to a male child. It is further alleged that the accused persons prevented the deceased from visiting her parental home and even obstructed her from communicating with her relatives over the telephone. Subsequent to the birth of a second female child, it is alleged that the accused

demanded that the deceased bring additional gold and cash from her parents, ostensibly to meet the expenses incurred during four abortions suffered by the deceased. It is the case of the prosecution that the deceased, unable to withstand the continuous cruelty and coercion, was driven to take her own life. She was found dead on 09.11.2021 at approximately 10:00 hours, having died by suicide through hanging by a saree from an iron hook in the bedroom of the matrimonial home. Based on a complaint lodged by the mother of the deceased, Smt. Markapuram Rama Subbamma/Respondent No.2 herein, the Police registered Crime No.255 of 2021 in Pathikonda Police Station for the aforementioned offences.

5. Upon completion of the investigation, the Station House Officer, Pathikonda Police Station, found that the material collected during the course of investigation did not disclose any incriminating evidence against Accused Nos. 4, 5, and 6. Accordingly, the Station House Officer sought the permission of the Sub-Divisional Police Officer, Pathikonda, for deletion of their names from the charge sheet. The Sub-Divisional Police Officer, vide his Proceedings in C.No.104/SDPO-PTK/2022, accorded sanction to the effect of 'Not to Charge' Accused Nos.4 to 6 in connection with the said crime. Consequently, the charge sheet filed by the Station House Officer before the Judicial Magistrate of First Class, Pathikonda, did not array the Petitioners/Accused Nos.4 to 6 as accused persons therein. However, the Respondent No.2 filed a protest petition before the learned Jurisdictional Magistrate and that protest

petition was prosecuted. The learned Magistrate has taken cognizance of the offences against Accused Nos.4 to 6 also vide order dated 24.01.2023.

6. Further, the learned Judicial Magistrate of First Class, Pathikonda, upon taking cognizance of the charge sheet and registering the matter as P.R.C.No.7 of 2023, proceeded to issue summons to all the Petitioners, including Accused Nos.4 to 6, whose names had been expressly omitted from the charge sheet.

7. Heard the learned Counsel for the Petitioners, learned Assistant Public Prosecutor, and the learned Legal Aid Counsel for Respondent No.2.

8. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

9. In the light of the case of the prosecution and the contentions of the learned Counsel for both the sides, now the point for consideration is:

"Whether the proceedings in PRC No.7 of 2023 pending on the file of the learned Judicial Magistrate of First Class, Pathikonda, is liable to be quashed in exercise of the inherent powers of the High Court under Section 482 of 'the Cr.P.C.,'/Section 528 of 'the BNSS'?"

10. The contention of Respondent No.2 that a sum of Rs.5,00,000/- and twenty tulas of gold were allegedly given as dowry at the time of marriage is bereft of specificity and precision. Respondent No.2 fails to disclose the exact date, time, or mode of such presentation, nor does it delineate to whom among the accused the alleged dowry was entrusted. The narrative remains vague and indeterminate, thereby lacking the requisite clarity to constitute a cogent allegation under the statutory framework. Furthermore, the subsequent birth of a female child to Accused No.1 and the deceased does not, in itself,

establish any nexus to harassment or cruelty, as no particularized instance of dowry demand or ill-treatment is articulated with temporal or factual certainty.

11. Upon a meticulous perusal of the FIR, the statement of Respondent No.2 as L.W.1, and the depositions of other prosecution witnesses, it is manifest that there is no whisper of any demand for dowry by the Petitioners. The record is conspicuously silent as to any overt act of harassment or cruelty attributable to the Petitioners. The matrimonial union between Accused No.1 and the deceased was blessed with three children, two daughters and one son, who continue to remain in the custody of Accused No.1 subsequent to the demise of Surekha. The allegations narrated by Respondent No.2 pertain only to the period surrounding the birth of the female children and do not disclose any specific demand for additional dowry or any act of abetment leading to the tragic demise of the deceased.

12. It is further pertinent to note that the death of the deceased did not occur within seven years of marriage, thereby disentitling the prosecution to invoke the statutory presumption under Section 113(B) of the Indian Evidence Act, 1872. In the absence of direct evidence, or even circumstantial material establishing intentional aid, instigation, or conspiracy by the Petitioners, the charge of abetment to suicide remains wholly unsubstantiated. The record, as it stands, is devoid of incriminating material to establish that the Petitioners had, in any manner, abetted or compelled the deceased to take the extreme step of ending her life.

13. In the course of the hearing, the Station House Officer, Pathikonda, was directed to remain present and to produce LW.2 before this Court. LW.2, by name M. Suresh, the brother of the deceased Surekha @ Padmavathi and son of the complainant Smt. Markapuram Rama Subbamma, was accordingly produced. LW.2 informed this Court that Respondent No.2, the mother of the deceased and the original complainant, has since passed away. He further submitted that the three children born out of the wedlock of Accused No.1 and the deceased, two daughters and one male child, are presently in the care and custody of Accused No.1, who is responsibly attending to their education and overall well-being.

14. This Court has bestowed its careful consideration upon the submissions advanced by the learned Counsel on both sides and has also perused the record of the case. The power of the High Court under Section 528 of 'the BNSS' to quash criminal proceedings is well established and must be exercised to prevent abuse of the process of any Court and to otherwise secure the ends of justice. The jurisdiction, though extraordinary in nature, is to be exercised sparingly and with circumspection. At the same time, the Courts have consistently held that where continuation of the proceedings would amount to a sheer waste of judicial time, or where the allegations do not make out a *prima facie* case against the accused, the High Court is duty-bound to intervene.

15. This Court takes note of the changed circumstances brought to its notice in the course of the hearing. Respondent No.2, the original complainant

and mother of the deceased, is no more and a death certificate was filed, which certifies that Respondent No.2 died on 21.02.2024. LW.2, the brother of the deceased, has submitted before this Court that Accused No.1 is presently taking care of the three minor children, two daughters and a son, born of the deceased, and is ensuring their proper education and welfare. This statement of LW.2, the nearest surviving kin who has also appeared and deposed before this Court, reflects an acceptance of the *status quo* and the overall ground realities of the family.

16. In view of the totality of the circumstances discussed above, this Court is of the considered opinion that the continuance of proceedings in P.R.C.No.7 of 2023 against the Petitioners would amount to an abuse of the process of the Court and would result in a miscarriage of justice. The impugned proceedings are, therefore, liable to be quashed in their entirety insofar as the Petitioners are concerned.

17. In the light of the foregoing discussion, the Criminal Petitions are allowed. Consequently, the proceedings in P.R.C.No.7 of 2023 on the file of the learned Judicial Magistrate of First Class, Pathikonda, are hereby quashed insofar as the Petitioners/Accused Nos.2, 3, 4, 5, and 6 are concerned.

18. It is, however, clarified that this order of quashment shall be confined to the Petitioners herein and shall have no bearing upon the proceedings against Accused No.1 in P.R.C.No.7 of 2023, which shall proceed before the learned Judicial Magistrate of First Class, Pathikonda, in accordance with law.

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

Dr. Y. LAKSHMANA RAO, J

Dated: 21.04.2026
VTS