



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

**[3521]**

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**CRIMINAL PETITION NO: 3791/2023**

**Between:**

1. P. SRAVAN KUMAR, S/O P. MALLIKARJUNA AGE 39 YEARS, OCC. SOFTWARE ENGINEER H.NO. 6-7-77/2, THANDUR VILLAGE, RANGAREDDY DISTRICT, TELANGANA
2. P. MALLIKARJUNA, S/O P. NAGAPPA AGE 70 YEARS, OCC. BUSINESS H.NO. 6-7-77/2, THANDUR VILLAGE, RANGAREDDY DISTRICT. TELANGANA
3. P. ARUNA, W/O P. MALLIKARJUNA AGE 60 YEARS, OCC. HOUSE HOLD H.NO. 6-7-77/2, THANDUR VILLAGE, RANGAREDDY DISTRICT, TELANGANA
4. P. SRAVANTHI, D/O P. MALLIKARJUNA AGE 32 YEARS, OCC. SOFTWARE ENGINEER H.NO. 6-7-77/2, THANDUR VILLAGE, RANGAREDDY DISTRICT, TELANGANA

**...PETITIONER/ACCUSED(S)**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATI
2. V ASHWINI, D/O V. DEVENDRA GOUD, R/O 21/375. RVS COLONY, ADONI, KURNOOL. ANDHRA PRADESH

**...RESPONDENT/COMPLAINANT(S):**

**Counsel for the Petitioner/accused(S):**

1. V SEETHARAMA AVADHANI

**Counsel for the Respondent/complainant(S):**

## 1.PUBLIC PROSECUTOR (AP)

**The Court made the following:**

**ORDER:**

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,')/Section 528 of the BharatiyaNagarikSurakshaSanhita, 2023 (for brevity 'the BNSS')seeking to quash the proceedings against the Petitioners/Accused Nos.1 to 4 in C.C.No.399 of 2022 on the file of the learned Judicial First Class Magistrate-cum-Junior Civil Judge, Yemmiganur, Kurnool District.

2. No representation for Respondent No.2. Notice on Respondent No.2 is served. Hence, Mr.S.Mahendra is appointed as Legal Aid Counsel for Respondent No.2. The Secretary, High Court Legal Services Committee, is directed to issue necessary proceedings. Heard learned counsel for Petitioners, learned Assistant Public Prosecutor, and learned Legal Aid Counsel for Respondent No.2. Perused the record.

3. Ms.Sk.Neha Hassan, the learned counsel for the Petitioners submits that, and on careful perusal of the record, the Petitioner/Accused No.1 and Respondent No.2/De-facto Complainant in C.C.No.399 of 2022 had earlier filed M.O.P.No.104 of 2018 before the learned Civil Judge (Senior Division), Adoni, under Section 13-B of the Hindu Marriage Act, 1955 seeking dissolution of their marriage by mutual consent. By order dated 04.03.2020, the competent court granted a decree dissolving the marriage of the Petitioner and Respondent No.2 on the ground of mutual consent.It is further submitted that Respondent No.2 has since got another marriage.

4. In this regard, it is apposite to refer to the Judgment of the High Court of Allahabad, in **Mukesh Bansal v. State of U.P**<sup>1</sup> at paragraph Nos.48 and 49, held as under:

*“48. Thus assessing the totality of the circumstances, object and the allegation of misuse of this piece of legislation in a shape of Section 498A IPC, the Court is proposing the safeguards after taking the guidance from the judgment of Hon'ble the Apex Court in the case of Social Action Forum for Manav Adhikar v. Union of India (Supra) keeping in view the growing tendency in the masses to nail the husband and all family members by a general and sweeping allegations.*

*49. Thus, It is directed that:—*

*(i) No arrest or police action to nab the named accused persons shall be made after lodging of the FIR or complaints without concluding the “Cooling-Period” which is two months from the lodging of the FIR or the complaint. During this “Cooling-Period”, the matter would be immediately referred to Family Welfare Committee(hereinafter referred to as FWC) in the each district.*

*(ii) Only those cases which would be transmitted to FWC in which Section 498-A IPC along with, no injury 307 and other sections of the IPC in which the imprisonment is less than 10 years.*

*(iii) After lodging of the complaint or the FIR, no action should take place without concluding the “Cooling-Period” of two months. During this “Cooling-Period”, the matter may be referred to Family Welfare Committee in each districts.*

*(iv) Every district shall have at least one or more FWC (depending upon the geographical size and population of that district constituted under the District Legal Aid Services Authority) comprising of at least THREE MEMBERS. Its constitution and function shall be reviewed periodically by the District & Sessions Judge/Principal Judge, Family Court of that District, who shall be the Chairperson or Co-chairperson of that district at Legal Service Authority.*

*(v) The said FWC shall comprise of the following members:—*

*(a) a young mediator from the Mediation Centre of the district or young advocate having the practices up to five years or senior most student of Vth year, Government Law College or the State University or N.L.U.s. having good academic track record and who is public spirited young man, OR;*

*(b) well acclaimed and recognized social worker of that district having clean antecedent, OR;*

*(c) retired judicial officers residing in or nearby district, who can devote time for the object of the proceeding OR;*

*(d) educated wives of senior judicial or administrative officers of the district.*

*(vi) The member of the FWC shall never be called as a witness.*

*(vii) Every complaint or application under Section 498A IPC and other allied sections mentioned above, be immediately referred to Family Welfare Committee by the concerned Magistrate. After receiving the said complaint or FIR, the Committee shall summon the contesting parties along with their four senior elderly persons to have personal interaction and would try to settle down the issue/misgivings between them within a period of two months from its lodging.*

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<sup>1</sup>2022 SCC OnLine All 395

*The contesting parties are obliged to appear before the Committee with their four elderly persons (maximum) to have a serious deliberation between them with the aid of members of the Committee.*

*(viii) The Committee after having proper deliberations, would prepare a vivid report and would refer to the concerned Magistrate/police authorities to whom such complaints are being lodged after expiry of two months by inserting all factual aspects and their opinion in the matter.*

*(ix) Continue deliberation before the Committee, the police officers shall themselves to avoid any arrest or any coercive action pursuant to the applications or complaint against the named accused persons. However, the Investigating Officer shall continue to have a peripheral investigation into the matter namely preparing a medical report, injury report, the statements of witnesses.*

*(x) The said report given by the Committee shall be under the consideration of I.O. or the Magistrate on its own merit and thereafter suitable action should be taken by them as per the provision of Code of Criminal Procedure after expiry of the "Cooling-Period" of two months.*

*(xi) Legal Services Aid Committee shall impart such basic training as may be considered necessary to the members of Family Welfare Committee from time to time(not more than one week).*

*(xii) Since, this is noble work to cure abrasions in the society where tempos of the contesting parties are very high that they would melow down the heat between them and try to resolve the misgivings and misunderstanding between them. Since, this is a job for public at large, social work, they are acting on a pro bono basis or basic minimum honorarium as fixed by the District & Sessions Judge of every district.*

*(xiii) The investigation of such FIRs or complaint containing Section 498A IPC and other allied sections as mentioned above, shall be investigated by dynamic Investigating Officers whose integrity is certified after specialized training not less than one week to handle and investigate such matrimonial cases with utmost sincerity and transparency.*

*(xiv) When settlement is reached between the parties, it would be open for the District & Sessions Judge and other senior judicial officers nominated by him in the district to dispose of the proceedings including closing of the criminal case."*

5. The Hon'ble Apex Court in **Shivangi Bansal v. Sahib Bansal**<sup>2</sup>, at paragraph No.26 held as under:

*"26. The transfer petitions and special leave petitions are disposed of in terms of the above order. The guidelines framed by the High Court of Allahabad in the impugned judgment dated 13.06.2022 in Criminal Revision No. 1126 of 2022 vide paras 32 to 38, with regard to 'Constitution of Family Welfare Committees for safeguards regarding misuse of Section 498A, IPC shall remain in effect and be implemented by the appropriate authorities."*

6. In view of the fact that the marriage between Petitioner No.1 and Respondent No.2 has already been dissolved by a competent court on the

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<sup>2</sup>2025 SCC OnLine SC 1494

ground of mutual consent, nothing further remains for adjudication in this matter. *A fortiori*, there are bleak chances of conviction in C.C.No.399 of 2022, which is pending trial before the learned Trial Court. Furthermore, the Respondent No.2/de-facto complainant is estopped from alleging cruelty or harassment of the Petitioners against the Respondent No.2, in view of the judgment of the Hon'ble Apex Court in **Shlok Bhardwaj v. Runika Bhardwaj**<sup>3</sup>.

7. Considering the entire facts and circumstances of the case, the Criminal Petition is allowed, consequently, the proceedings in C.C.No.399 of 2022 on the file of the learned Judicial First Class Magistrate-cum-Junior Civil Judge, Yemmiganur, Kurnool District are quashed.

8. In the result, the Criminal Petition is allowed.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

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**DR. Y. LAKSHMANA RAO, J**

Date: 18.02.2026  
PRA

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<sup>3</sup>(2015) 2 SCC 721

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

**CRIMINAL PETITION No.3791 of 2023**

Date:18.02.2026

PRA