

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE: CrI.P.No.5320 of 2022

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
04.	03.07.2026	<u>GTK,J</u> Heard Mr. N. Ravi Prasad, learned counsel for the petitioner and Ms. K. Priyanka Lakshmi, learned Assistant Public Prosecutor. Learned counsel for the petitioner, would submit that, in tune with the docket order dated 19.06.2026, notice was served on the de facto complainant and proof of service was filed, which was endorsed by the Registry on 02.07.2026. As per the docket order dated 19.06.2026, since service of notice on respondent No.1 has been completed and, today, when the matter is listed, there is no representation for the de facto complainant despite service of notice. Only to provide one more opportunity of fair hearing, the matter is adjourned to 09.07.2026. If the de facto complainant/respondent is not present or does not mark appearance through learned counsel, the matter will be proceeded with. As seen from the record, the issue involved is regarding the offence under Section 498-A of IPC. The petitioners before this Court are the parents of Accused No.1. Time and again, the Hon'ble Supreme Court and this Court have consistently	Contd..

		reminded the Investigating Officers not to involve or array such persons in the crime when there are no specific allegations against them and the allegations are general in nature. The Hon'ble Supreme Court, in <i>Kahkashan Kausar @ Sonam and Others v. State of Bihar and Others</i>¹, has observed as follows. <i>“18. Coming to the facts of this case, upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that “all accused harassed her mentally and threatened her of terminating her pregnancy”. Furthermore, no specific and distinct allegations have been made against either of the appellants herein i.e. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High Court, we have not examined the veracity of allegations made against him. However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.</i> <i>19. Furthermore, regarding similar allegations of harassment and demand for car as dowry made in a previous FIR Respondent 1 i.e. the State of Bihar, contends that the present FIR pertained to offences committed in the year 2019, after assurance was given by the husband Md. Ikram before the learned Principal Judge, Purnea, to not harass the respondent wife herein for dowry, and treat her properly. However, despite the assurances, all accused continued their demands and harassment. It is thereby contended that the acts constitute a</i>	Contd..
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¹ (2022) 6 SCC 599

fresh cause of action and therefore the FIR in question herein dated 1-4-2019, is distinct and independent, and cannot be termed as a repetition of an earlier FIR dated 11-12-2017.

20. Here it must be borne in mind that although the two FIRs may constitute two independent instances, based on separate transactions, the present complaint fails to establish specific allegations against the in-laws of the respondent wife. Allowing prosecution in the absence of clear allegations against the appellant in-laws would simply result in an abuse of the process of law.”

The petitioners herein are none other than the mother and father of Accused No.1.

It is the contention of the learned counsel for the petitioners that both the petitioners were not staying with Accused No.1 at the relevant point of time and were residing in Malaysia. Even otherwise, learned counsel would submit that bringing the petitioners/accused into the fray under Section 498-A of IPC is nothing but a sheer abuse of the process of law and is in the teeth of the judgment of the Hon'ble Supreme Court.

Finally, the matter is adjourned to 08.07.2026.

GTK,J

DSV