



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

[3521]

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5840/2024

Between:

1. PINAPATI SUDHEER BENARJU, S/O MOHANA RAO AGED 36 YEARS C. MADIGA, D.NO, 2-23-609, PLOT NO. 687 HMT HILLS, NEAR RAMALAYAM TEMPLE, KUKATPALLY, HYDERABAD.
2. THOTA BHAGYA RAJU,, S/O BHUSHANAM AGED 35 YEARS C.MADIGA, FLAT NO. 303, D.BLOCK SAL MITRA TOWERS, KUSHALGUDA, ECIL SECUNDERABAD,

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI GUNTUR DISTRICT.
2. CHILAKA KAVITH ROSHINI, W/O PINAPATI SUDHEER BENARJI 33 YEARS, C. MADIGA 8TH WARD, CHRISTIAN PET, SATTENAPALLY TOWN.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

D RAMAKRISHNA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

2.CH NAGENDRAMU

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 Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), seeking to quash the proceedings against the petitioners/Accused in C.C.No.148 of 2022 (Crime No.327 of 2021 of Sattenapalli Town Police Station) on the file of the learned I Additional Junior Civil Judge-Cum-Magistrate, Sattenapalli, registered for the offences punishable under Section 489-A of the Indian Penal Code, 1860 (for brevity, 'the IPC') and Sections 3 & 4 of the Dowry Prohibition Act, 1961 (for brevity 'the D.P.Act').

2. Heard the learned counsel for the petitioners, the learned Assistant Public Prosecutor, and the learned Legal Aid Counsel for respondent No.2.

3. Mr. D. Ramakrishna, learned counsel for the petitioners, submits that petitioner No.1 and respondent No.2 have obtained a decree of divorce by mutual consent *vide* order and decree dated 21.03.2024 in F.C.O.P. No.331 of 2026, granted by the learned III Additional District Judge-cum-II Additional Metropolitan Sessions Judge-Principal Family Judge, Medchal–Malkajgiri District at Kukatpally. There was a Memorandum of Understanding entered into between petitioner No.1 and respondent No.2, wherein it was specifically mentioned that respondent No.2, being the second party in the Memorandum

of Understanding, had agreed that she had received an amount of Rs.7,00,000/- as advance payment towards signing the documents for grant of mutual consent divorce to be filed by both the parties. It was further mentioned that petitioner No.1, being the first party in the Memorandum of Understanding, agreed to pay Rs.10,00,000/- towards permanent alimony and full and final settlement to respondent No.2/wife by way of Demand Draft bearing No.002398 dated 26.07.2023 drawn on Axis Bank, Pragathinagar, Kukatpally, Hyderabad, in the name of respondent No.2, to be given to her on the date of the divorce decree before the Family Court at Kukatpally. A photocopy of the demand draft is filed. A receipt is also filed wherein respondent No.2 admitted that she received the demand draft for an amount of Rs.10,00,000/-. Photographs are also filed showing that petitioner No.1 tendered the demand draft in the presence of counsel before the learned trial Court.

4. In that view of the matter, the contention of the learned counsel for respondent No.2 that the petitioner has yet to receive Rs.7,00,000/- and that it is to be confirmed whether respondent No.2 received Rs.7,00,000/- or the demand draft from petitioner No.1, is untenable. On careful perusal of the photographs, the demand draft, and the averments in the Memorandum of Understanding, the contention of the learned counsel for respondent No.2 is absurd and unsustainable.

5. Respondent No.2 filed a complaint before the Station House Officer, Sattenapalli Town Police Station, which was registered as Crime No.327 of 2021 for the offences punishable under Section 498-A of 'the IPC' and Sections 3 and 4 of 'the D.P.Act'. After investigation, a charge sheet was filed against the petitioners and the same was numbered as C.C. No.148 of 2022. In view of the fact that petitioner No.1 and respondent No.2 were granted mutual consent divorce by a competent Court, respondent No.2 is estopped from alleging that the petitioners committed offences punishable under Section 498-A of 'the IPC' and Sections 3 and 4 of 'the D.P.Act', as per the judgment of the Hon'ble Apex Court in **Shlok Bhardwaj v. Runika Bhardwaj**¹, wherein it was held that when divorce is obtained by mutual consent and the disputes are settled between the parties, the wife is precluded from continuing the criminal proceedings initiated prior to such settlement. In that view of the matter, relying on the judgment of the Hon'ble Apex Court in **Shlok Bhardwaj** *supra*, the proceedings in C.C. No.148 of 2022 are liable to be quashed.

6. Considering the facts and circumstances of the case, the Criminal Petition is allowed, and the proceedings against the petitioners/Accused in C.C.No.148 of 2022 (Crime No.327 of 2021 of Sattenapalli Town Police Station) pending on the file of the learned I Additional Junior Civil Judge-cum-Magistrate, Sattenapalli, are hereby quashed.

¹ (Criminal Appeal No.741 of 2009 dated 10.12.2014)

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

DR. Y. LAKSHMANA RAO, J

Date: 19.02.2026
RSI

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5840 of 2024

Date: 19.02.2026
RSI