



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

TUESDAY, THE 28th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL PETITION NO: 6679 OF 2022

Between:

1. THOTA MOHAN RAO, S/o. Late. Nagabushanam, aged about 59 years, Occ. ASI-1744, Sriharikota PS., R/o. Flat No. 203, 3rd Floor, Lakshmi Balaji Residency (Apartment), Sri Nagar Colony, A.C. Nagar Extension, Balajinagar, Nellore
2. Thota Maheshwari, W/o. Mohan Rao, aged about 55 years, Occ. Housewife R/o. Flat No. 203, 3rd Floor, Lakshmi Balaji Residency (Apartment), Sri Nagar Colony, A.C. Nagar Extension, Balajinagar, Nellore
3. Thota Swatha Rani, W/o. Pasupuleti Santhosh Prasad, aged about 33 years, Occ. Software Engineer, Native of Flat No. 203, 3rd Floor, Lakshmi Balaji Residency (Apartment), Sri Nagar Colony, A.C. Nagar Extension, Balajinagar, Nellore now residing at Flat No. 8, Keethana Enclave Apartments, 4th Cross, Shirdi Sai Nagar, Bangalore

...Petitioners

AND

1. KEDAKOTI SANDHYA, W/o. Thota Sravan, aged 28 years, Occ. Village Secretary R/o. 202/3, A Block, Siri Gardens, Peddacherukuru Village, Nellore Mandal, SPSR Nellore District
2. The State of Andhra Pradesh, through Women Police Station, Nellore rep.by its Public Prosecutor, High Court of Judicature at Amaravati.

...Respondents

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 may be pleased to quash the proceedings in C.C. No. 3336 of 2019 on the file of Honourable Judicial Magistrate of First Class for Special Mobile Court, Nellore and pass such

IA NO: 1 OF 2022

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

IA NO: 2 OF 2022

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 may be pleased to stay all further proceedings in C.C. No. 3336 of 2019 on the file of Honourable Judicial Magistrate of First Class for Special Mobile Court, Nellore, pending disposal of the Criminal Petition and pass such

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 Pleased to extend the stay granted in Crl.P No. 6679 of 2022 dated 24-08-2023 until further orders and pass

IA NO: 1 OF 2026

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 May be pleased to extend the interim stay granted in Crl.P. No. 6679 of 2022 dated 26. 06.2023 and subsequently extended from time to time, lastly by order dated 09.05.2024, and pass

Counsel for the Petitioners: N RAVI PRASAD

Counsel for the Respondents: NERELLA S V RAVI TEJA Counsel for the Respondents:PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

Heard Sri N. Ravi Prasad, learned counsel for the petitioners and Sri N.S.V. Ravi Teja, learned counsel for respondent No.1/ *de facto*-complainant.

2. Learned counsel for the petitioners would submit that the petitioners herein are Accused Nos.2 to 4 in C.C.No.3336 of 2019, on the file of Judicial Magistrate of First Class for Special Mobile Court, Nellore and the allegations leveled against them are under Section 498A IPC, which are general and omnibus allegations but not specific in nature. He draws the attention of this Court to the allegations mentioned in the chargesheet, which are extracted hereunder and which forms part of the complaint lodged by the *de facto*-complainant/ respondent No.1.

“The marriage of LW-1 was celebrated with A.1 at Parameswari Kalyana Mandapam, Mini Bypass Road, Nellore on 25th August 2018 in the presence of elders & well-wishers on both sides as per Hindu Rites & Customs. At the time of marriage, as per the demand of the accused; late Sujatha, mother of LW-1 arranged dowries in the form of cash of Rs.10,00,000/- and 5 sovereigns of gold jewels besides cash of Rs.50,000/- to A.4 towards 'Adapaduchu Katnam. In respect of the dowry amount, Sujatha, the mother of LW-1 gave Rs.2,50,000/- personally to A.1 to A.3 and transferred balance dowry amount of Rs.8,57,000/- from her A/C No. 2059990459 of Central Bank Of India, Nellore to the account of A.1 vide A/C No. 62017057323 of SBI, VMC Branch, Rama Murthy Nagar, Nellore on 17-07-2018 and 18-07-2018 for Rs. 4,00,000/ through National Electronic Fund Transfer (NEFT) and A.3 vide A/C No. 08910100023512 of Andhra Bank, Balaji Nagar Branch, Nellore for Rs. 2,57,000/- and A/C No. 089810100025705 on 21-07-2018 an amount of Rs. 2 lakhs from Kedakoti Sujatha through NEFT. Apart from the above, the mother of LW-1 presented gold jewels w/g 25 sovereigns and silver articles w/g 500 grams to LW-1 towards 'Sridhanam'. After the marriage, LW-1 had stepped-up into her

matrimonial home located at Flat No.203, Lakshmi Balaji Residency, Sri Nagar Colony, AC Nagar Extension, Balajinagar, Nellore. During that period at the demand of the accused; the mother of LW-1 got transferred Rs.1,00,000/- to the account of LW-1 vide A/C No. 50100096756627 of HDFC Bank, Ramalingapuram Branch, Nellore from the account of LW-4 vide A/C No.3649725258 of Central Bank of India, Nellore Rs. 50,000/- on 09-11-2018 and Rs. 50,000/- on 12-11-2018. In turn, on 15-11-2018, LW-1 transferred Rs.1,00,000 in to the account of A-1 vide A/C No. 00521140116725 of HDFC Bank, Pune city in lieu of the upcoming Ugadi Sare expenses, on the plea of meeting the expenses for setting up family at Pune, where A.1 is working. Later, A.1 and LW-1 put up family at Pune. A.2 to A.4 frequently visited the house of A.1 and LW-1 at Pune and likewise A.1 and LW-1 were also visited the matrimonial home of LW-1 at Nellore. During those visits, the accused used to mount pressure upon LW-1 to get the house located at Siri Gardens, Nellore, which was in the name of her mother, transferred on the name of LW-1. As LW-1 did not heed them in view of the ill-health conditions of her mother, the accused began subjecting the LW-1 to harassment by scolding her in filthy language. The harassment was continued on LW-1, till her mother, got cleared the bank loan on the house and registered the same in the name of LW-1. Further, the accused demanded the LW-1 to register the said house on the name of A.1. As LW-1 did not concede the demand of the accused; A1 to A4 started harassing the LW-1 mentally by means of scolding. Further, on the instigation of A.2 to A.4; A.1 used to scold and beat the LW-1 demanding to register the house on his name otherwise to sell the house and give sale proceeds to them towards additional dowry. The ill treatment on the LW-1 was at Nellore and Pune. Moreover; A.1 used to black mail the LW-1 by using the photographs of LW-1, taken with her male colleagues while she was working in Hyderabad before her marriage. In that fashion, on 27.07.2019 night at about 10 PM, A.1 who was instigated by A.2 to A.4 over phone; beat the complainant at their flat at Pune demanding to register the house on his name. Then LW.1 informed the same to her relatives LWs 2 to 5. On that on 28.07.2019, LW.2, LW.4 & 5 went to the house of the accused at Srinagar Colony, Nellore and asked them about the harassment of A.1 towards LW-1. Then A.2 and A.3 picked up quarrel with them and warned them against visiting of their house. The LW-1 could not bear the harassment of the accused, she returned to

Siri Gardens, Nellore from Pune with the assistance of LWs 2 to 4 and staying in the house of LW2. LW-1 and her relatives approached police and tried to convince the accused for allowing LW-1 to their house; but during counseling all the efforts were resulted in futile to reunite them. LWs 2 to 9 are witnessed the occurrence. LWs 10 to 14 are witnessed the transactions of cash from LW-1, LW-4 and their late mother to accused A.1 and A.3.”

3. The learned counsel for the petitioners contends that except a few sporadic instances, there is no other allegation contributing against the petitioners. He would draw the attention of this Court that an amount of Rs.2,50,000/- was paid personally to Accused Nos.1 to 3 and transferred the balance amount of Rs.8,57,000/- was transferred from her account bearing No.2059990459 of Central Bank of India Nellore, to the bank account of Accused No.1 vide Account No.62017057323 of SBI, VMC Branch, Rama Murthy Nagar, Nellore, on 17.07.2018 and 18.07.2018. There is other allegation contained in the chargesheet that an amount of Rs.4,00,000/- was transferred to Accused No.3 through NEFT. The learned counsel would contend that the amounts, which are mentioned, are deposited for the purpose of the expenditure to be incurred during the marriage and only a statement which is tailored that the said amounts are deposited for the purpose of dowry. The learned counsel would submit that mere averment in the complaint that the amount is taken towards dowry has to be construed that the amount is taken only by Accused No.1 and not by the other accused.

4. Sri Krishna Vamsi, learned counsel representing learned Assistant Public Prosecutor would submit that the allegations against Accused Nos.2 to

4/ petitioners are general and are not incriminating allegations, except Accused No.1, who has to face the trial. The learned counsel would submit that the amount which is deposited in the account of Accused No.1 is specifically stated to be incriminating and fortified, but as far as the other accused are concerned, the allegations are omnibus in nature.

5. A holistic reading of the entire chargesheet would indicate that some offences are incriminating against Accused No.1 and when the allegations are taken into consideration and put together for the purpose of proceeding against Section 498A IPC, the allegations must be taken up to be omnibus and not specific, in view of the Judgment of the Hon'ble Supreme Court in **Dara Lakshmi Narayana vs State of Telangana**¹, which is extracted below:

30. *The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.*

¹ (2025) 3 SCC 735

32. In the above context, this Court in *G.V. Rao vs. L.H.V. Prasad*, (2000) 3 SCC 693 observed as follows:

“12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.”

33. Further, this Court in *Preeti Gupta vs. State of Jharkhand* (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the husband’s close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection.

6. In so far as the allegations attracting the provisions of Sections 3 & 4 of Dowry Prohibition Act are concerned, the very Act itself is clear that the offence can be attributed against the relatives, which also includes the petitioners before this Court.

7. Now coming to the question as to whether any offence is made out against the petitioners/ Accused Nos.2 to 4, regarding the offences relating to

the provisions of Dowry Prohibition Act, there are allegations against Accused No.3 and the complaint is silent on the allegations against Accused Nos.2 and 4.

8. In view of the said reasoning and the ratio laid down by the Hon'ble Supreme Court, the proceedings against Accused Nos.2 to 4 are unjust and patently illegal in view of the judgment in **Preeti Gupta v. State of Jharkhand**². The Hon'ble Supreme Court in **Preeti Gupta** (supra) while taking note of the tendency of exaggerated allegations and over-implication of relatives in matrimonial disputes, observed in paragraphs 32 and 37 as follows:

"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.

37. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislature. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the

² (2010) 7 SCC 667

legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law."

9. With regard to the allegations made against Accused Nos.2 to 4 under Sections 3 and 4 of the Dowry Prohibition Act, the allegations in the chargesheet are incriminating only against Accused No.3 and not against other Accused. Taking into consideration the ratio laid down by the Hon'ble Supreme Court in so far as the Dowry Prohibition Act is concerned, the offences alleged against Accused Nos.2 and 4 can be ruled out and the proceedings against Accused Nos.2 to 4 are liable to be quashed.

10. Resultantly, the Crl.P. No.6679 of 2022 is allowed in part, by quashing the proceedings in C.C. No.3336 of 2019, on the file of the learned Judicial Magistrate of First Class-cum-Special Mobile Court, Nellore, insofar as the petitioners/Accused Nos.2 to 4 are concerned, in respect of the offence under Section 498-A IPC. Insofar as the offences under the Dowry Prohibition Act are concerned, the allegations contained in the chargesheet against Accused No.3 are retained, whereas the proceedings against Accused Nos.2 and 4 in C.C. No.3336 of 2019 are quashed. There shall be no order as to costs.

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

TUHIN KUMAR GEDELA, J

Date:28.07.2026
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THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

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