

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE THIRD DAY OF NOVEMBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

IA No. 1 OF 2024

IN

CRLP NO: 8247 OF 2024

Between:

1. Smt. L. Jayalaxmi, W/o Sambhi Reddy
2. Smt. L. Sitamaha Laxmi, W/o Venkateshwar Reddy
3. Smt. V. Pitchamma, W/o Swami Reddy
4. D. Sambhi Reddy, S/o Rama koti Reddy

...Petitioners/Accused 3,4, 5 & 7

(Petitioners in CRLP 8247 OF 2024
on the file of High Court)

AND

1. Alla Padmaja, W/o Alla Hari Krishna Reddy, Occ Housewife/Textile
Business, R/o H. No. 1-2-49/RP/301 Flat No. 301, Royal Palace, Jai
Bharath Nagar, Nizampeta Road, Kukatpalli, Hyderabad -500 072

Respondent-1/Complainant

2. The State of Telangana, Rep. by Public Prosecutor, High Court,
Hyderabad.

...Respondent-2

(Respondents in-do-)

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the petition, the High Court may be pleased to stay of all further proceedings including appearance in C.C. No. 2097 of 2019 (Crime No.515 of 2016 of P.S., KPHB) before II AJCJ cum X Addl. Metropolitan Magistrate, Cyberabad, at Kukatpally, Hyderabad, pending disposal of Crl.P. No. 8247 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 24.07.2024 made in Crl.P and upon hearing the arguments of SMT VANGA ANITA Advocate for the Petitioners and of Additional Public Prosecutor for Respondent No.2, the Court made the following

ORDER

This application is filed by the petitioners-accused Nos.3,4,5 and 7 seeking to grant stay of all further proceedings in C.C.No.2097 of 2019 on the file of II Additional Junior Civil Judge cum X Additional Metropolitan Magistrate, Cyberabad at Kukatpally, Hyderabad registered for the offences under sections 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State-respondent.

Learned counsel for the petitioners submits that accused Nos.3, 4, 5 and 7 being family members of the accused No.1, they were roped in this case. The petitioners herein never resided in the matrimonial home along with accused No.1 and the *de facto* complainant and they are residing in different places at Hyderabad. Only vague and omnibus allegations are made against the petitioners and there is no harassment made by petitioners-accused Nos.3, 4, 5 and 7. There are no specific allegations with regard to date, time and instances of harassment made by the petitioners herein.

Learned counsel for the petitioners relied upon a decision in *Dara Lakshmi Narayana and others v. State of Telangana and another*¹ wherein the Honourable Supreme Court of India held in paras 25, 30, 31 and 32 as under:

25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the

¹ AIR 2025 SUPREME COURT 173

members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

30. 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."

31. 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.

32. We, therefore, are of the opinion that the impugned FIR No.82 of 2022 filed by respondent No.2 was initiated with ulterior motives to settle personal scores and grudges against appellant No.1 and his family members i.e., appellant Nos.2 to 6 herein. Hence, the present case at hand falls within category (7) of illustrative parameters highlighted in *Bhajan Lal*. Therefore, the High Court, in the present case, erred in not exercising the powers

available to it under Section 482 CrPC and thereby failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants."

Hence prays to grant stay of all further proceedings.

The submissions made by the learned counsel for the petitioner do require a detailed examination.

In the said circumstances, there shall be stay of all further proceedings in C.C.No.2097 of 2019 on the file of II Additional Junior Civil Judge cum X Additional Metropolitan Magistrate, Cyberabad at Kukatpally, Hyderabad, pending criminal petition.

SD/-N.CHANDRA SHEKAR RAO
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The II Addl. Junior Civil Judge cum X Addl. Metropolitan Magistrate, Cyberabad, at Kukatpally, Hyderabad.
2. The Station House Officer, PS KPHB, Kukatpally, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to Smt. Vanga Anita, Advocate (OPUC)
5. One Spare Copy

HIGH COURT

JS,J

DATED:03/11/2025

ORDER

**IA No.1 of 2024
In
CRLP.No.8247 of 2024**

STAY

04.11.2025