

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: CrI.P.No.15589 of 2024

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
05.	09.04.2025	<u>JAK, J</u> This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') by petitioners/accused Nos.2 to 5 to quash the proceedings against them in S.C.No.72 of 2021 on the file of Special Sessions Judge for SC/ST Trial Cases, at Nalgonda. On the basis of complaint of respondent No.2, FIR bearing No.76 of 2019 came to be registered at Suryapet Police Station on 21.04.2019 for the offences under Sections 498-A, 504 and 506 of Indian Penal Code, 1860 (for short 'IPC'). The gist of the complaint is that respondent No.2/<i>de facto</i> complainant got married to accused No.1 on 12.12.2013 (love marriage). That after staying for a period of 20 days in Mogultoor, they started staying in Sundraiah Nagar and later in Talagada for a period of one year. That from 2017 onwards, they were residing at Chinthamalli Ramesh's house at Basha Naik Thanda. That they are blessed with two children. It is averred in complaint that when they were staying in Chinthamalli Ramesh's house at Basha Naik Thanda (for a period of three years), her husband (accused No.1) got addicted to alcohol and began harassing her mentally and physically. (There is no	

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		mention of the date when the first harassment was made). It is further averred that mother-in-law, father-in-law, brother-in-law and sister-in-law (accused Nos.2 to 5) used to call her husband (accused No.1) and instigate him. That accused No.1 used to harass her physically and mentally. (There are no specific allegations with regard to physical and mental harassment by accused Nos.2 to 5). That a Panchayat was arranged twice in the year 2019, in spite of which, the behaviour of her husband did not change, he used to come in drunken condition and abuse her physically and mentally and threatened her to leave the house and not to return till additional dowry is brought. (There is no specific allegation with regard to the amount of dowry on the petitioners/accused Nos.2 to 5). That on 19.04.2019, her husband came in a drunken condition, abused her that she is mother of two baby girls and that she should leave him and bring additional dowry. Hence, the complaint. Charge sheet is filed on 31.03.2021 for offences under Sections 498-A, 504 and 506 of IPC and Section 3(1)(r)(s) of SC/STs (P.O.A.) Amendment Act, 2015. In the charge sheet, apart from the contents of the complaint, it is reflected that accused Nos.2 to 5 did not allow respondent No.2 into the house after she gave birth to her first daughter, as she belonged to Mala caste. It is also reflected that accused Nos.2 to 5 used to make phone calls to accused No.1 and instigate him to leave respondent No.2. It is also noted	

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		that accused Nos.2 to 5 called respondent No.2 and asked her to bring additional dowry, if not, she would die. Learned counsel for petitioners/accused Nos.2 to 5 submitted that accused Nos.2 to 5 were residents of Guntur District and that accused No.1 and respondent No.2 were residing at Suryapet. It is further submitted that there are no specific allegations against accused Nos.2 to 5, except bald allegations that they used to call accused No.1 and instigate him, and that accused No.1 harassed her physically and mentally. Learned counsel for petitioners invited the attention of this Court to the statements of circumstantial witnesses recorded under Section 161 Cr.P.C., who are residents of the said Thanda, where accused No.1 and respondent No.2 were residing for a period of three years. On the basis of the statements recorded, it is submitted that nowhere in the statements, there are any specific allegations of abuse in the name of caste in public view nor any physical or mental harassment. It is pointed out that except in the complaint, no statements are made before the Police that neither accused Nos.2 to 5 were involved and harassing respondent No.2 physically and mentally nor abused in the name of caste in public view or called on a given date and abused in the name of caste. It is lastly submitted that accused Nos.2 to 5 are residents of Guntur District, that with an intention	

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		to implicate them in a false case, the complaint is lodged. On the other hand, learned Assistant Public Prosecutor for respondent No.1-State submitted that allegations are grave in nature and that accused Nos.2 to 5 abused respondent No.2 in the name of caste and harassed her physically and mentally for bringing additional dowry. Hence, not a fit case for interference. Heard learned counsels, perused the record and considered the rival submissions. A Memo vide USR No.36510 of 2025 is filed with tracking report as proof of service regarding notice to respondent No.2. On the basis of a complaint of respondent No.2, FIR bearing No.76 of 2019 came to be registered at Suryapet Police Station for the offences under Sections 498-A, 504 and 506 of IPC. The gist of the complaint is that accused No.1 used to come in a drunken condition and harass respondent No.2 physically and mentally. That accused Nos.2 to 5 instigated accused No.1 on phone, upon such instigation, accused No.1 used to harass respondent No.2 physically and mentally. That on 19.04.2019, at around 11:30 p.m., accused No.1 came in a drunken condition and abused her physically and mentally for getting additional dowry. That her husband threatened her and used filthy language against her by saying she gave birth to two girls and she should leave the house and abused her in the name of caste.	

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		On a perusal of the entire record, it is observed that there are no specific allegations against accused Nos.2 to 5. They are residents of Guntur District as reflected in the Charge Sheet. In the statement of LW.2 (father of respondent No.2) before the Police, there is no allegation that his daughter was abused in public view in her caste name, more so, no reference is made to accused Nos.2 to 5. The other circumstantial witnesses are Dhobi and residents of the same Thanda. Even in their statements, there are no allegations of abuse in the name of caste in public view nor there are any allegations with regard to harassment for dowry. The allegations are all omnibus in nature. The Hon'ble Apex Court in a catena of judgments held that to establish an offence under a Section, the necessary ingredients must be made out. This Court does not find any such ingredients being made out to attract the offences. Section 3(1)(r)(s) of SC/STs (P.O.A.) Amendment Act, 2015, is not made out. In <i>Dara Lakshmi Narayana and Others Vs. State of Telangana and another</i>¹, the Apex Court held that mere reference to names of family members in a criminal case arising out of matrimonial dispute, without specific allegations indicating their active involvement, should be nipped in the bud. Generalized and sweeping accusations unsupported by concrete evidence or particularized allegations cannot form	

¹ 2024 SCC OnLine SC 3682

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		basis of criminal prosecution and that 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. Perusal of the entire record indicates that there are no specific allegations, more so, the allegations are generalized and sweeping in nature, and are not supported by concrete evidence. Considering the entire factual matrix of the case and for the reasons stated above, this Court is of the opinion that interests of justice would be met, if proceedings against petitioners/accused Nos.2 to 5 in S.C.No.72 of 2021 on the file of Special Sessions Judge for SC/ST Trial Cases, at Nalgonda, are stayed. There shall be stay of all further proceedings against petitioners/accused Nos.2 to 5 in S.C.No.72 of 2021 on the file of Special Sessions Judge for SC/ST Trial Cases, at Nalgonda. Post the matter on 29.04.2025. JAK, J KRR	

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