

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

+ CRIMINAL PETITION No.5220 of 2023

Between:

...PETITIONERS

AND

\$ The State of Andhra Pradesh and Others

...RESPONDENTS

ORDER PRONOUNCED ON 28.07.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments?

Yes/No

2. Whether the copies of judgment may be marked to
Law Reporters/Journals

Yes/No

3. Whether Their Ladyship/Lordship wish to see the fair
copy of the Judgment?

Yes/No

JUSTICE TUHIN KUMAR GEDELA

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA
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...PETITIONERS

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...RESPONDENTS

! Counsel for the Petitioners : Mr. N. Ashwani Kumar

! Counsel for the Respondent : Ms. K. Priyanka Lakshmi, Assistant Public Prosecutor.

<Gist :

>Head Note:

? Cases referred: 1. Crl.P.No.1932 of 2025 and batch

2. 2024 SCC Online Ker 2903

3. 2022 LiveLaw SC 321

4. (2022) 6 SCC 599

5. 2024 LiveLaw SC 635

6. Crl.P.No.17955 of 2025

7. (2011) 9 SCC 527

8. Crl.P.No.6110 & 6074 of 2022

9. (2025) 3 SCC 735

10. SLP (Crl.) No.2739 of 2026

11. (2012) 10 SCC 741

12. 2026 LiveLaw (SC) 220

13. (2010) 7 SCC 667

APHC010357032023



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

[3548]

TUESDAY, THE 28th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL PETITION NO: 5220/2023

Between:

1.

2.

...PETITIONER/ACCUSED(S)

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY S.H.O,
WOMEN P.S, GUNTUR URBAN DISTRICT, THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF A.P.

2.

...RESPONDENT/COMPLAINANT(S):

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 pleased to quash the CC.No.2057 of 2021 on the file of Hon'ble Spl., Judicial Magistrate of First Class For Excise, Guntur, in the interest of equity and justice while exercising its inherent jurisdiction under Section 482 of Cr.P.C. and pass.

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 to dispense with the certified copies of the CC.No.2057 of 2021 on the file of Hon'ble Spl., Judicial Magistrate of First Class For Excise, Guntur, pending disposal of the above Criminal Petition and pass.

IA NO: 2 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 to grant stay of all further proceedings, including presence / appearance of the Petitioners herein in CC.No.2057 of 2021 on the file of Hon'ble Spl., Judicial Magistrate of First Class For Excise, Guntur, pending disposal of the above Criminal Petition and pass.

Counsel for the Petitioner/accused(S):

1.N ASHWANI KUMAR

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

Heard,

Mr. N. Ashwani Kumar, learned counsel for the petitioners/accused Nos.4 & 5, and Ms. K. Priyanka Lakshmi, learned Assistant Public Prosecutor appearing for the State.

2. Mr. N. Ashwani Kumar, learned counsel for the petitioners, would submit that the present Criminal Petition is filed seeking to quash the proceedings in C.C.No.2057 of 2021 on the file of the learned Special Judicial Magistrate of First Class for Excise, Guntur, for the offences under Section 498-A and 506 read with 34 IPC and Sections 3 & 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioners would further submit that the present Criminal Petition is filed by accused Nos.4 and 5, who are the brother-in-law and sister-in-law of accused No.1. It is further submitted that the allegations levelled in the complaint and the charge sheet do not constitute the offences under Sections 498-A and 506 read with 34 of IPC and Sections 3 & 4 of the Dowry Prohibition Act.

4. Learned counsel for the petitioners would draw the attention of this Court to the charge sheet. The relevant paragraph of the charge sheet reads as follows:

"LW.1 is the defacto complainant, LWs.2 to 3 are the mother, father and LW4 and 5 are elders and LW.6 is the Sub-Inspector of Police, and

Investigating Officer. Accused A1 is the husband of LW1, A2 & A3 are parents to A1. A4 and A5 are brother and sister in-laws to A1.

LW1 is the defacto complainant and she is resident of

LWs.2 and 3 performed her marriage to A1 on 5-7-2018 at Sidhartha gardens function hall, Guntur as per Hindu customs and religion. As per the force of A1 to A5 her parents performed marriage by spending Rs.70 lakhs and gave Rs.40 lakhs and gold ring, chain, brosslet to husband at the time of marriage. They also gifted 1½ kg wg. gold ornaments and 5 kg. silver articles to her. She pursued her Engg., at RVR college, Guntur. Eswarchand pursued MS at U.S. and doing software, Engineer job at U.S.A. her brother-in-law A4 and wife A5 also stays at U.S.A on jobs. LW 1. joined marital life. Later A1 left for USA. Prior to two days to marriage LW3 received a three pages letter in which somebody wrote that A1 has illegal contacts with some others and his conduct is bad. When her parents and elders questioned her in laws and Eswarchand, they told that somebody might have intentionally wrote the letter to defame them. After A1 left for USA, a few days in laws told that the gold ornaments given by her parents i.e. 2 waddanams harams, 2 necklaces, 12 bangles, diamond set, silver bindêlu, 2, silver plates, 6, Puja articles 1 kg, Jug 1 kg, glasses 6, plates 2 would be given to mother in law, then only they would process her Visa. Then LWs 2 and 3 gave all those articles to in-laws and her husband processed Visa and she joined her husband in Oct-2018 at St. Luis City, Missouri State, USA and lead marital life. However A1 keep harassing her physically and mentally with the instigation of A2 to A5. He used to say she is not beauty, he only married for her property. As her parents not yet handed over the property promised, they harassed her. LW 1 informed the same to her parents, parents told after getting kids, they would transfer the property as promised. Then her husband and in laws grew grudge and enhanced harassing her. LW 1 found love letters to her husband written by some others and some gifts and condoms, when she questioned about them, he replied arrogantly and harassed her and threatened with dire consequences. When she informed the same to her in laws and brother in law and they supported A1 and harassed her and told to get away if she did not like and subjected her to cruelty. While she was at USA, her brother in law and his wife harassed her and brother in law beat her in front her husband. LW 1 returned to India in Jan-2020 as A1 sent her deceitfully. He told he would take back in June-2020, but due to Covid A1 did not reach India. However during Dec-2020 LW1 managed Student Visa and went to USA. But A1 did not look after her and did not lead marital life and harassed her physically and mentally. Some other women used to call him and sent messages and vulgar photos. A1 to A5 demanded for Rs.1 crore more dowry. A1 used to return home late night at 10 pm. In May 2021 he again deceitfully sent her back to India. A1 to A5 threatened Lw 1 with dire consequences if she fails to give Rs.1 crore towards addl. Dowry and the properties documents, lest they would give divorce to her. Later LWs 2 to 5 tried to resolve the issue with A1 to A3, but they abused LWs 2 to 5 and told to do whatever they could and threatened with dire consequences. Once A1 to A3 went to LW.2's house and abused them for addl. Dowry and left. LWs.4 and 5 witnessed the same".

5. Learned counsel for the petitioners takes the Court through the allegations levelled against the petitioners/accused Nos.4 and 5 in the charge sheet, wherein it is alleged that accused No.1 kept harassing her physically and mentally with the instigation of A2 to A5 and specific averment that, while she was at USA, her brother-in-law and his wife harassed her, and brother-in-law beat in front of husband and further adds that, during December 2020, LW.1 managed student visa and went to USA. But A.1 did not look after her and did not lead marital life and harassed her physically and mentally. Some other women used to call him and sent massages and vulgar photos. A.1 to A.5 demanded an amount of Rs.1 crore towards additional dowry. A1 used to return home late night at 10.00 p.m. In May 2021, he again deceitfully sent her back to India. A.1 to A.5 threatened LW.1 with dire consequences if she fails to give Rs.1 crore towards additional dowry and also property documents, he would give divorce to her. These are the allegations made against the petitioners/accused Nos.4 and 5.

6. Learned counsel for the petitioners would further submit that the arguments are twofold. One is that, as per the charge sheet, one incident had taken place while she was in the U.S.A, where the petitioners alleged to harass her, and the brother-in-law i.e., A.4, beat her in front of husband, that is the allegation attributed to these petitioners while they were in the USA. The other limb of the argument is that there is an allegation that A2 to A5

demanded Rs.1 crore towards additional dowry and also property documents, or else, they would give divorce to her.

7. Learned counsel would further submit that these allegations cannot be construed as incriminating and no specific allegations are made so as to attract the ingredients of Section 498-A of IPC and Sections 3 & 4 of the Dowry Prohibition Act.

8. Learned counsel for the petitioners would further submit that the very filing of charge sheet before the competent Court is vitiated with legal infirmity i.e., no sanction has been obtained as per Section 188 of Cr.P.C., in consonance with Section 4 of IPC. He would further submit that, when the incidents/allegations are attributed against the petitioners while they were staying in the USA/outside India, Section 188 of Cr.P.C will come into play, and the procedure enunciated under the Code of Criminal Procedure, particularly under Section 188 of the Cr.P.C., need to be exclusively followed.

9. To fortify his argument, learned counsel for the petitioners would draw the attention of this Court to Section 4 of the IPC and also Section 188 of the Cr.P.C., the said sections are extracted hereunder:

4. Extension of Code to extra-territorial offences:-

“The provisions of this Code apply also to any offence committed by-

- (1) any citizen of India in any place without and beyond India;
- (2) any person on any ship or aircraft registered in India wherever it may be;

(3) any person in any place without and beyond India committing offence targeting a computer resource located in India.

Explanation :- In this section:-

(a) the word “offence” includes every act committed outside India which, if committed in India, would be punishable under this Code;

(b) the expression “computer resource” shall have the meaning assigned to it in clause (k) of sub-section (1) of section 2 of the Information Technology Act, 2000.

Illustration:

A, who is a citizen of India, commits a murder in Uganda. He can be tried and convicted of murder in any place in India in which he may be found.”

Section 188, Offence committed outside India-

When an offence is committed outside India-

- a. by a citizen of India, whether on the high seas or elsewhere; or
- b. by a person, not being such citizen, on any ship or aircraft registered in India, he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found:

Provided that, notwithstanding anything in any of the preceding sections of this Chapter, no such offence shall be inquired into or tried in India except with the previous sanction of the Central Government.”

10. Learned counsel for the petitioners has also drawn the attention of this Court to Section 498-A of IPC, which reads as follows:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.—

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation:- For the purpose of this section, “cruelty” means-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand”.

11. Learned counsel for the petitioners also takes this Court through Section 506 of the IPC, which deals with criminal intimidation.

“506. Punishment for criminal intimidation.—

Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc.— And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both”.

12. Learned counsel for the petitioners would submit that, as per the above Section 498-A of IPC, the Hon’ble Supreme Court has categorically held that relatives or in-laws cannot be roped into, in absence of specific and definite allegations. The allegations should also indicate the time and place of the incident, failing which, it would amount to a total abuse of process of law.

13. Learned counsel for the petitioners, with regard to Section 506 of IPC, deals with criminal intimidation, would submit that the allegations do not fit into the ingredients of Section 506 of IPC and it is only for the purpose of filing case against accused the said Section is implicated. There are no specific allegations so as to draw a conclusion that the accused are committed an offence under Section 506 of the IPC and the Investigating Officer without any application of mind has filed charge sheet.

14. Learned counsel for the petitioners advanced his arguments in respect of Section 188 of Cr.P.C. He has placed reliance on the judgment of the Coordinate Bench of this Court in ***Ms. Kasu Jagathi v. The State of Andhra Pradesh and Others***¹, where the Court, after considering the applicability of Section 188 of Cr.P.C. (Section 208 of BNSS), and relying upon the judgment of the High Court Kerala in the matter of ***Darvin Dominic vs. State of Kerala and another***², and the judgment of the Hon'ble Supreme Court in ***Sartaj Khan vs. State of Uttarkhand***³, to fortifies to state that, when the entirety of offence is committed outside India and grant of sanction would enable such offence to be enquired into or tried in India. When part of offence was committed on the soil of this Country Section 188 of Cr.P.C., cannot be relied upon by the accused.

15. Again, the learned Judge considered the judgment of the Hon'ble Supreme Court in ***Dara Lakshmi Narayana and others vs. State of Telangana and another***, and in ***Kahkashan Kausar Alias Sonam and others vs. State of Bihar and Others***⁴, the learned Judge has ultimately quash the charge sheet and it is observed that "the entirety of allegations occurred in USA. No part of cause of action arose within the soil of the Nation for filing the complaint under Section 85 BNS (498-A of IPC) and Section 3 and 4 of DP Act. In such circumstances, following the law laid down by the

¹ Crl.P.No.1932 of 2025 and batch

² 2024 SCC Online Ker 2903

³ 2022 Live Law SC 321

⁴ (2022) 6 SCC 599

Hon'ble Supreme Court in **Sartaj Khan vs. State of Uttarkhand** (supra 3), no such offence shall be inquired into or tried in India except with the previous sanction of the Central Government and the law laid down by the Hon'ble Supreme Court of India in the matter of **Shaileshbhai Ranchhodbhia Paten and another vs. State of Gujarat**⁵. The FIR and the charge sheet deserve to be quashed by invoking the inherent powers of this Court under Section 528 of BNSS”.

16. Learned counsel for the petitioners also relied upon the judgment of the High Court of Telangana in **R. Sai Sruthi and another v. State of Telangana and another**⁶, wherein the Court, after relying upon the judgment of the Hon'ble Supreme Court in **Thota Venkateswarlu v. State of Andhra Pradesh through Principal Secretary and another**⁷, arrived at the conclusion that the charge sheet deserved to be quashed in view of the non following of Section 188 of Cr.P.C in respect to the allegations committed by outside India. In **Thota Venkateswarlu's case**, the Hon'ble Supreme Court, while considering in detail regarding Section 188 of Cr.P.C., held as follows:

“the trial cannot be proceeded with beyond cognizance stage without such previous sanction from the Central Government, and in respect of offences committed in India it is held that the learned Magistrate may proceed with the trial relating to the offence alleged to have been committed in India but shall not proceed with the trial in respect of the offence alleged to have been committed outside India without prior sanction of Central Government as envisaged in the Proviso to Section 188 of Cr.P.C.”

⁵ 2024 Live Law SC 635

⁶ CrI.P.No.17955 of 2025

⁷ (2011) 9 SCC 527

17. Learned counsel for the petitioners relied upon another judgment of the Coordinate Bench of High Court of Telangana in **Dubbudu Ramakanth Reddy v. The State of Telangana and another**⁸. In the said case also, the learned Judge considered all the rulings of the Hon'ble Supreme Court and the High Courts and ultimately, at paragraph 14, held as follows:

“ 14. In view of these facts and circumstances, this Court is of the opinion that previous sanction of the Central Government under Section 188 of Cr.P.C. is required for proceeding with against the petitioners herein for the offences alleged in the complaint, on the basis of which the offences under Sections 498A, 417, 406 and 506 IPC and Sections 3, 4 and 6 of Dowry Prohibition Act have been registered. As this Court is not satisfied that the offences under Sections 498A, 417, 406 and 506 IPC and Sections 3, 4 and 6 of Dowry Prohibition Act are made out against petitioners herein/accused Nos.1 to 3 in the C.C., as having been committed in India, this Court is of the opinion that none of the offences can be tried in India”.

18. Learned counsel for the petitioners would further submit that, in view of the settled legal position and also taking into consideration the provisions of Section 188 of Cr.P.C., the allegations in the charge sheet deserved to be quashed.

19. Coming to the second part of his argument, the learned counsel for the petitioners would submit that the allegations levelled against petitioners/accused Nos.4 and 5 are said to have been committed in India, do not constitute any offence and are omnibus in nature. He would draw the attention of this Court to the relevant portion of the charge sheet, where the allegations are made against petitioners, which reads as follows:

⁸ Crl.P.No.6110 & 6074 of 2022

“In May 2021 he again deceitfully sent her back to India. A1 to A5 threatened LW1 with dire consequences if she fails to give Rs.1 crore towards addl. Dowry and the properties documents, lest they would give divorce to her. Later, LWs 2 to 5 tried to resolve the issue with A1 to A3, but they abused LWs.2 to 5 and told to do whatever they could and threatened with dire consequences”.

20. Learned counsel for the petitioners would further submit that the allegations are omnibus in nature, as could be seen from the very placement of words and he would rely upon the judgment of the Hon'ble Supreme Court in ***Dara Lakshmi Narayana and Others v. State of Telangana and Another***⁹, at paragraphs 27 and 33, which reads as follows:

“27. 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-recognized fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalized and sweeping accusations unsupported by concrete evidence or particularized 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.

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”.

⁹ (2025) 3 SCC 735

21. The Hon'ble Supreme Court, in **Chennamsetty Venkateswara Rao and Others v. State of Andhra Pradesh and Another**¹⁰, while dealing with Section 498A of IPC and emphasizing the ratio laid down in **Dara Lakshmi Narayana v. State of Telangana and Another**, has observed as under, particularly at paragraph 5:

"5. While it is trite that an FIR need not be an encyclopaedia of all facts, the allegations must nevertheless furnish the foundational particulars necessary to disclose the commission of a cognizable offence. As emphasised in Dara Lakshmi Narayana v. State of Telangana⁴, vague, sweeping and omnibus assertions, bereft of specific details of the alleged acts, cannot sustain the continued invocation of the criminal law, particularly in matrimonial disputes where the tendency to implicate the opposite party in retaliation is not unknown. It was held there as follows:

30. The inclusion of Section 498-A 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 498-A 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 scrutinised, 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 498-A 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".

22. Learned counsel for the petitioners would submit that, in view of the law laid down by the Hon'ble Supreme Court, the allegations levelled against accused Nos.4 and 5 deserve to be quashed. He would further submit the proceedings in C.C.No.2057 of 2021 on the file of the learned Special Judicial

¹⁰ SLP (CrI.) No.2739 of 2026

Magistrate of First Class for Excise, Guntur, is liable to be quashed insofar as the present petitioners/accused Nos.4 and 5 is concerned.

23. In reply to the arguments advanced by Mr. N. Ashwani Kumar, learned counsel for the petitioners, Ms. K. Priyanka Lakshmi, learned Assistant Public Prosecutor, would submit that the allegations mentioned in the charge sheet are specific in nature and fall within the ambit of Section 498A of IPC, and same can only be gone into by a full-fledged trial.

24. Ms. K. Priyanka Lakshmi, learned Assistant Public Prosecutor, would further submit that, with regard to Section 188 of Cr.P.C., though the law is settled that, the offences which are committed outside India, the requisite sanction is need to be taken, but overall consideration on a technical ground the allegations against accused Nos.4 and 5 cannot be quashed.

25. Heard Mr. N. Ashwani Kumar, learned counsel for the petitioners, and Ms. K. Priyanka Lakshmi, learned Assistant Public Prosecutor appearing for the State.

26. This Court has considered the allegations in the charge sheet in detail, which have been extracted hereinabove.

27. Admittedly, learned counsel for the petitioners argued that there are no specific allegations so as to attract the offence under Sections 498A and 506 read with 34 IPC & Sections 3 & 4 of the Dowry Prohibition Act. It is also to be noted that the allegations mentioned in the charge sheet are two-fold.

One is the incident that occurred in the USA when they were residing together, and the other relates to the incidents which are occurred in India, after she returned in May 2021.

28. In particular, with regard to the arguments advanced by learned counsel for the petitioners, the following the procedure enunciated under Section 188 of Cr.P.C. It is no more *res integra* that the procedure needs to be followed and adhered to scrupulously in the event the incident occurred in a country (other than India). The judgments relied upon by the learned counsel for the petitioners squarely apply to the facts of the present case. Since, there is no sanction obtained by the Investigating Officer for prosecuting accused Nos.4 and 5 in respect of for the offences committed outside India, the same constitutes a lacuna which cannot be overlooked. In view of the ration laid down in the said judgments, the proceedings in C.C.No.2057 of 2021, in respect of accused Nos.4 and 5 is quashed so far as Section 498A is concerned and the allegations made outside India.

29. It is no more cavil of doubt that, when a particular statute defines the authorities be it *quasi-judicial* or judicial to a particular manner, the same has to be done in that manner alone not otherwise. In view of the said principle, allegations levelled against accused Nos.4 and 5 are hereby quashed.

30. Now coming in respect of the allegations in India, there is force in the contention of the learned counsel for the petitioners that the allegations do not constitute an offence, much less an offence falling within the ambit of Section

498-A of IPC. The judgments relied upon by the learned counsel for the petitioners squarely apply to the facts of the present case. In the absence of specific details of the alleged incidents of crime, and the allegations are vague and omnibus in nature. The complaint and the charge sheet does not mentioned about any allegations specific in nature and the complaint lack inherent quality and ingredients so as to attract of Section 498A and 506 read with 34 of IPC, and also the provisions of Section 3 & 4 of Dowry Prohibition Act.

31. The Hon'ble Supreme Court in **Geeta Mehrotra and Another v. State of Uttar Pradesh and Another**¹¹, at paragraphs 27 and 28, held as follows:

"27. The High Court in our considered opinion appear to have missed that assuming the trial court had territorial jurisdiction, it was still left to be decided whether it was a fit case to send the appellants for trial when the FIR failed to make out a prima facie case against them regarding the allegation of inflicting physical and mental torture to the complainant demanding dowry from the complainant. Since the High Court has failed to consider all these aspects, this Court as already stated hereinbefore, could have remitted the matter to the High Court to consider whether a case was made out against the appellants to proceed against them. But as the contents of the FIR does not disclose specific allegation against the brother and sister of the complainant's husband except casual reference of their names, it would not be just to direct them to go through protracted procedure by remanding for consideration of the matter all over again by the High Court and make the unmarried sister of the main accused and his elder brother to suffer the ordeal of a criminal case pending against them specially when the FIR does not disclose ingredients of offence under Sections 498A/323/504/506, IPC and Sections 3/4 of the Dowry Prohibition Act.

28. We, therefore, deem it just and legally appropriate to quash the proceedings initiated against the appellants and as the FIR does not disclose any material which could be held to be constituting any offence against these two appellants. Merely by making a general allegation that they were also involved in physical and mental torture of the complainant-respondent No.2

¹¹ (2012) 10 SCC 741

without mentioning even a single incident against them as also the fact as to how they could be motivated to demand dowry when they are only related as brother and sister of the complainant's husband, we are pleased to quash and set aside the criminal proceedings in so far as these appellants are concerned and consequently the order passed by the High Court shall stand overruled. The appeal accordingly is allowed."

32. The Hon'ble Supreme Court in **Dr. Sushil Kumar Purbey & Anr. v. The State of Bihar and Ors**¹², at paragraph 7, held as follows:

"7. Having considered the submissions advanced by the parties and upon a careful perusal of the material on record, we are of the view that the High Court fell into error in restricting the quashing of criminal proceedings only to the sister-in-law (respondent no.3). A comparative reading of the FIR reveals that the allegations levelled against the sister-in-law and those against the present appellants are, in all material particulars, identical. The FIR does not assign any specific or overt act to either appellant; there are no particular dates, places, or individual acts attributed to them. The lone allegation that stands separately against the present appellants is that they would quarrel. This, however, does not constitute a criminal offence and cannot, by itself, sustain cognizance of the offences under Sections 341, 323, 498A & 34 of the IPC and Sections 3 & 4 of the Dowry Act for which the appellants have been summoned. The standard applied by the High Court in quashing proceedings against the sister-in-law, on the ground that the allegations against her were general and omnibus, applies with equal force to the present appellants, and there is no principled basis for distinguishing between them".

33. The judgment of the Hon'ble Supreme Court in **Preeti Gupta v. State of Jharkhand**¹³ at paragraphs 28 and 35, which reads as follows:

"28. We have very carefully considered the averments of the complaint and the statements of all the witnesses recorded at the time of the filing of the complaint. There are no specific allegations against the appellants in the complaint and none of the witnesses have alleged any role of both the appellants.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real

¹² 2026 Livelaw (SC) 220

¹³ (2010) 7 SCC 667

truth. 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 of husband's close relations 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 complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful”.

34. In the present case on hand, admittedly, no sanction was obtained to proceed with the complaint/investigation, either prior to the taking of cognizance or after giving cognizance by the concerned Magistrate. Hence, in all force, the investigation conducted is crippled with legal infirmity and in view of the same, the Criminal Petition No.5220 of 2023 is allowed, and the proceedings in C.C.No.2057 of 2021 on the file of the learned Special Judicial Magistrate of First Class for Excise, Guntur, are hereby quashed insofar as accused Nos.4 and 5 are concerned.

35. Resultantly, the Criminal Petition is allowed.

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

TUHIN KUMAR GEDELA, J

Date: 28.07.2026
KNN

LR copy to be marked.

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THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL PETITION NO: 5220 of 2023

Date: 28.07.2026

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