

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL PETITION No.5843 of 2023

Between:

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENTS

ORDER PRONOUNCED ON **23.07.2026**

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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...RESPONDENTS

! Counsel for the Petitioners : S V RUTHVIK

! Counsel for the Respondent : PUBLIC PROSECUTOR (AP)

<Gist :

>Head Note:

? Case referred: 1.(2025) 3 SCC 735

2. 1992 Supp (1) SCC 335

3. (2014) 8 SCC 273

APHC010398472023



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

[3548]

THURSDAY, THE 23rd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL PETITION NO: 5843/2023

Between:

...PETITIONER/ACCUSED(S)

AND

The State Of Andhra Pradesh and
 Others

...RESPONDENT/COMPLAINANT(S)

Counsel for the Petitioner/accused(S):

1.S V RUTHVIK

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

Heard,

Mr. S.V. Ruthvik, learned counsel for the petitioners/accused Nos.2 and 4, and Mr. Neelothpal Ganji, learned Assistant Public Prosecutor appearing for the State.

2. Mr. S.V. Ruthvik, learned counsel for the petitioners, would submit that the present Criminal Petition was filed by the petitioners/accused Nos.2 and 4, seeking to quash the proceedings in C.C.No.79 of 2023, dated 17.01.2023 on the file of learned Additional Judicial Magistrate of First Class, Ananthapuramu, pursuant to F.I.R.No.187 of 2022, dated 20.12.2022, registered on the file of the Disha Women Police Station, Ananthapuramu District, for the offences under Sections 498-A read with 34 of IPC, and Sections 3 and 4 of Dowry Prohibition Act.

3. This Criminal Petition is filed by the petitioners/accused Nos.2 and 4, who are the mother and uncle of the accused No.1.

4. Learned counsel for the petitioners has drawn the attention of this Court to the charge sheet which is filed after investigation pursuant to Crime No.187 of 2022, dated 20.12.2022. He has drawn the attention of this Court to paragraph 3 of the charge sheet, wherein it is stated as follows:

"L.W-1 is daughter of L.Ws-2 and 3 and they residing in 2nd Road, Anantapuramu Town and they belongs to SC Mala caste. On 21.12.2020 L.Ws.2 and 3 performed L.W-1's marriage with A-1 at M.K.M. Function hall, near Reliance Office, Anantapuramu Town in the presence of relatives and elders as per Christian customs and traditions. At the time of L.W-1's

marriage L.Ws.2 and 3 gave Rs. 10,00,000/- cash and 10 tulas of gold towards dowry and also gave 1 tula gold chain and half tula ring to A-1 in the presence of L.Ws.4, 5 and L.W-7 towards dowry. After marriage L.W-1 went to accused house at Shilpa Town Ship, Kurnool to lead marital life. A-1 is working as Junior Assistant in Panchayat Raj Department, Nandyal District. In accused house, L.W-1, A-1 to A-3 are residing in one roof. Marriage after one week A-4 who is elder father of A-1 came to her house and back bating to A-1 to A-3 against L.W-1 and made galata in between L.W-1 and A-1. Since then A-1 to A-3 tortured L.W-1 physically and mentally with their words by stating that, they get more than beauty daughter-in-law than L.W-1 and the accused gained more dowry and tortured L.W-1 physically and mentally. L.Ws 2 to 7 conducted Panchayat, in Panchayat A-1 told L.W-1 that A-1 kept separate family, and L.W-1 and A-1 residing at Housing Board Colony, B-Camp, Kurnool Town. Even though A-2 to A-4 used to visit L.W-1 and A-1's house and abused, tortured L.W-1 physically and mentally with their words. Later L.W-1 gave birth to a female child at L.Ws 2 and 3's house. While her daughter age was 3rd month, at that time L.Ws.5 and 6 took L.W-1 from L.Ws.2 and 3's house to accused house, in the presence of L.W-5 and L.W-6 A-1 to A-4 told L.W-1 that if L.W-1 get additional dowry of Rs. 10,00,000/- cash and Glanji Car, than the accused will allow L.W-1 into the accused house so saying necked out L.W-1 from the house. L.Ws 2 to 7 convinced accused and trying to set right A-1 and L.W-1's family. But the accused told that, if L.W-1 get an amount of Rs. 10,00,000/- and Glanja Car towards additional dowry, than the accused allowed L.W-1 into their house. Further there is no other alternative, hence L.W-1 approached L.W-8.

Basing on the complaint of L.W-1, L.W-8 registered a case in Cr.No.187/2022 U/s 498 (A) R/w 34 IPC and Sec.3 & 4 of D.P. Act on 20.12.2022 at 18.30 hrs and submitted copies of FIRs to all concerned officers and took up investigation”.

5. Learned counsel for the petitioners would further submit that the statements made against accused Nos.2 and 4 are bald in nature, and there are no specific overt acts against them so as to attract the offence under Section 498-A of IPC or any other provisions alleged against the petitioners. He would further submit that, even otherwise accused No.2 is residing elsewhere along with accused No.3, who is the brother of accused No.1. Insofar as accused No.4 is concerned, learned counsel for the petitioners would further submit that accused No.4 is residing at Nallakaluva Village, Atmakur Mandal, Nandyala District, and he is no way connected with the said

offence. He would contend that the complaint was instituted against the petitioners only with a view to harass them and with an oblique, vindictive motive.

6. Learned counsel for the petitioners would further submit that, insofar as accused No.3 is concerned, he is the brother of accused No.1 and is presently residing at Hyderabad, where he is pursuing his education and preparing for the Union Public Service Commission examination. To substantiate the same, he has placed on record the Hall Ticket for the said examination.

7. Learned counsel for the petitioners would state that, as per the law laid down by the Hon'ble Supreme Court, the relatives or in-laws cannot be roped into an offence under Section 498-A of IPC without any just cause, and there should be a particular instances regarding the commission of the offence so as to make applicable to the petitioners. He relied on the judgment of the Hon'ble Supreme Court, in **Dara Lakshmi Narayana and Others v. State of Telangana and Another**¹, wherein it was held, at paragraph 18, as follows:

“18. A bare perusal of the FIR shows that the allegations made by respondent No.2 are vague and omnibus. Other than claiming that appellant No.1 harassed her and that appellant Nos.2 to 6 instigated him to do so, respondent No.2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred. Therefore, the FIR lacks concrete and precise allegations”.

¹(2025) 3 SCC 735

8. Learned counsel for the petitioners would further submit that the Hon'ble Supreme Court has observed that the allegations in the F.I.R. should be specific and contain sufficient particulars so as to attract the offence punishable under Section 498-A of IPC and the other provisions alleged against the petitioners.

9. Learned counsel for the petitioners further relied on the judgment of the Hon'ble Supreme Court, in **State of Haryana and others vs. Bhajan Lal and others**², wherein it was held, at paragraph 102, as follows:

"In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

² 1992 Supp (1) SCC 335

(3) Where the uncontroverted allegations made in the FIR or com-plaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

10. In oppugnation to the said submissions, Mr. Neelothpal Ganji, learned Assistant Public Prosecutor, would submit that the investigation conducted by the Investigating Officer reveals that the alleged offence committed by the petitioners/accused falls within the ambit of Section 498-A of the IPC and, therefore, the same needs to be adjudicated by the trial Court after conducting a proper trial.

11. After hearing both the learned counsel and considering the charge sheet along with the complaint instituted, this Court finds that the allegations contained in paragraph 3 of the charge sheet do not contain any specific or

precise allegations against the petitioners/accused, are bald in nature. Paragraph 3 of the charge sheet is extracted above.

12. This Court has also considered the principles laid down by the Hon'ble Supreme Court in ***Dara Lakshmi Narayana Others v. State of Telangana and Another, Arnesh Kumar v. State of Bihar***³, and in ***State of Haryana and others vs. Bhajan Lal' and Others*** (referred to supra 2).

13. In all these cases, the Hon'ble Supreme Court has categorically depicted that the Courts have to be extremely careful and cautious while dealing with such complaints arising out of matrimonial cases. The allegations of harassment against the husband's close relatives, who have been living in different cities and have never visited or rarely visited the place where the complainant resided, would have an entirely different complexion. The allegations made by the complainant are, therefore, required to be scrutinized with great care and circumspection.

14. In the case on hand, as observed by this Court, the charge sheet does not contain any specific or precise allegations against the petitioners/accused Nos.2 and 4. Having regard to the law laid down by the Hon'ble Supreme Court in the aforesaid judgments, this Court deems it appropriate to exercise its jurisdiction to prevent abuse of process of law.

15. Accordingly, upon a cumulative concatenation of the facts and the law, the Criminal Petition is allowed and the proceedings in respect of Accused

³ (2014) 8 SCC 273

Nos.2 and 4, in C.C.No.79 of 2023, on the file of the learned Additional Judicial Magistrate of First Class, Ananthapuramu, are hereby quashed.

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

TUHIN KUMAR GEDELA, J

Date: 23.07.2026
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217

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL PETITION NO: 5843 of 2023

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