



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

**[3604]**

WEDNESDAY, THE 2<sup>nd</sup> DAY OF SEPTEMBER 2026

**PRESENT**

**THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM**

**CRIMINAL PETITION NO: 6761/2025**

**Between:**

- 1.RAMASWAMY PERIYANNAN, R/O D.NO.6, VAIRAM STREET, VEERAVANCHATRAM, ERODE, TAMILNADU.
- 2.AMUDHA RAMASAMY,, W/O RAMASWAMY, R/O D.NO.6, VAIRAM STREET, VEERAVANCHATRAM, ERODE, TAMILNADU.

**...PETITIONER/ACCUSED(S)**

**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP BY INSPECTOR OF POLICE DISHA WOMENPS, KAKINADA P.S, KAKINADA/EAST GODAVARI DISTRICT, REP BY PUBLIC PROSECUTOR, HIGH COURT OF AP, AMARAVATHI.
- 2.SHAIK ABIDA, W/O MOHAMMAD ALI BASHA, AGED ABOUT 30 YEARS, MUSLIM, OCC HOUSE WIFE, R/O. H.NO.58-1-72, JAGANNADHAPURAM, MARKET STREET, KAKINADA, KAKINADA DISTRICT, ANDHRA PRADESH

**...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 may be pleased to call for the records relating to and connected with PRC.No. 14 of 2024, in the court of the I ADDITIONAL JUDICIAL FIRST CLASS, MAGISTRATE, cum I ADDITIONAL CIVIL JUDGE (JUNIOR DIVISION), AT KAKINADA, Kakinada District (East Godavari District)and quash the same against the petitioners

**IA NO: 1 OF 2025**

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 condone the delay of 5 days in representing the Crl.P.SR No: 6891 of 2025, in the interest of justice and to pass

**IA NO: 2 OF 2025**

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 filing of certified copy of PRC.No.14 of 2024, in the court of the ADDITIONAL J.F.C, MAGISTRATE, KAKINADA, Kakinada District (East Godavari District), and to pass

**IA NO: 3 OF 2025**

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 stay of all further proceedings in PRC.No.14 of 2024, in the court of the I ADDITIONAL JUDICIAL FIRST CLASS, MAGISTRATE, cum I ADDITIONAL CIVIL JUDGE (JUNIOR DIVISION), AT KAKINADA, Kakinada District (East Godavari District) including the personal appearance of the petitioners, pending the disposal of the main Criminal Petition, and pass

**Counsel for the Petitioner/accused(S):**

1.J M NAIDU

**Counsel for the Respondent/complainant(S):**

1.N SIVA REDDY

2.PUBLIC PROSECUTOR

**The Court made the following:**

**THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM****CRIMINAL PETITION No: 6761 OF 2025**

This Criminal Petition is filed by the petitioners/accused Nos.7 and 8 to quash the proceedings in P.R.C.No.14 of 2024 on the file of the First Additional Judicial Magistrate of First Class, Kakinada, against the petitioners of the offences under Sections 498-A, 313, 342, 506 of IPC (hereinafter referred to as 'the Code') and Section 3 & 4 of the Dowry Prohibition Act (hereinafter referred to as 'the D.P.Act').

**2. Case of the petitioners is thus:**

(a) That the marriage of the accused No.1 and respondent No.2 was solemnized on 19.06.2014 as per Muslim rights and caste customs. They set up separate family. Thereafter, due to disputes, they took divorce on 16.05.2017. After confirming the same, petitioners performed marriage of their daughter i.e. accused No.6 with accused No.1 under the Special Marriage Act on 25.01.2018 and the same is registered. The petitioners belong to respectable family and they are implicated in the case with malafide intention. Nothing attributed against the petitioners, to attract the punishable sections. Petitioners have not committed any offence much less as alleged by the respondent No.2 and in fact, respondent No.2 unnecessarily dragged them to court. Absolutely there is no material against the petitioners. They are no way concerned with the alleged miscarriage, demand of dowry, cruelty and other allied aspects.

**3. Case of the prosecution is thus:**

(a) That the marriage of the accused No.1 and respondent No.2 was solemnized on 19.06.2014, they set up separate family and at the time of marriage, parents of the respondent No.2 have given dowry and other lanchanams to the accused No.1 and his parents. They lead marital life for some period. Thereafter, accused No.1 and his family members started harassing the respondent No.2 demanding additional dowry or else to give divorce. On one occasion, when the respondent No.2 received photos along with messages from one Deepika, she questioned her husband i.e. accused No.1 about the said Deepika. Thereafter, he informed that he had love affair with the said Deepika and he intend to marry her and accordingly, insisted the respondent No.2 to give divorce. Thereafter also, accused No.1 and family members of accused No.1 i.e. accused Nos.2 to 5 harassed the respondent No.2. After giving birth to a baby boy, accused No.1 took the respondent No.2 to abroad and there accused No.5 i.e. Deepika also lived along with them. Since disputes cropped up, respondent No.2 came to India and went to her in-laws' house. There also, accused Nos.2 to 5 subjected her to cruelty. Accused Nos.1 to 6 harassed her in all regards. On one occasion, when respondent No.2 questioned parents of the accused No.6, they also threatened her in dire consequences and insisted her to give divorce.

4. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned Assistant Public Prosecutor.

5. Learned counsel for the petitioners would argue that they are no way concerned about the allegations leveled in the complaint, after confirming the fact that accused No.1 gave divorce to the respondent No.2 on 16.05.2017, they solemnized marriage of their daughter on 25.01.2018 and the same is registered and only to harass the petitioners, respondent No.2 implicated their names simply alleging that they also threatened her.

6. On the other hand, learned counsel for the respondent No.2 argued that petitioners who are none other than parents of the said Deepika i.e. accused No.6 also insisted the respondent No.2 to give divorce and participated in the crime. Learned Assistant Public Prosecutor also would argue that there is positive material against the petitioners and as such, proceedings against the petitioners shall not be quashed.

7. As seen from the record, basing on the report of respondent No.2, initially a case in Crime No.100 of 2022 is registered of the offences under Sections 498-A, 313 r/w 34 of the Code and 3 & 4 of the D.P. Act against accused Nos.1 to 5 and subsequently, accused Nos.6 to accused No.8 are added. Accused No.1 is husband, accused Nos.2 to 5 are relatives of accused No.1, accused No.6 is second wife and the petitioners are parents of accused No.6. As per the version of the learned counsel for the petitioners, respondent No.2 and accused No.1 already taken divorce on 16.05.2017 *vide* Khula certificate issued by the Telangana State Waqf Board and to confirm the same, accused No.1 again obtained information under Right to Information

Act and at that time also, Telangana State Waqf Board informed to the accused No.1 that the certificate No.526 dated 16.05.2017 pertaining to the accused No.1 and respondent No.2 has been issued by their office. Further, as seen from the certificate of marriage dated 25.01.2018, the Sub-Registrar, Tharamangalan, registered the marriage of accused No.1 and accused No.6.

8. Coming to the allegations leveled against the petitioners/accused Nos.7 and 8 are concerned, in entire report of respondent No.2, when she asked the petitioners about illegal intimacy of their daughter with her husband, they replied that they also know the said relation, threatened her and insisted her to give divorce. Except that there are no specific allegations against the petitioners/accused Nos.7 and 8. It is already stated above that they are none other than parents of accused No.6, who is second wife of the accused No.1.

9. Coming to the averments of the charge sheet, it is simply mentioned that accused Nos.7 and 8 contacted respondent No.2 over phone and insisted her to give divorce to accused No.1 and threatened her in dire consequences. Except that there is no positive material pointing finger towards the petitioners/accused Nos.7 and 8.

10. In this regard, it is to be noted that it is well settled that for the purpose of exercising power under Section 482 Code of Criminal Procedure, to quash FIR or a complaint, the High Court would have to proceed entirely on the basis of the allegations made in the complaint or the documents accompanying the same *per se* and it has no jurisdiction to examine the correctness or otherwise

of the allegations. It is also well settled that if the allegations made in the FIR, taken on the face value and accepted in their entirety, do not constitute an offense, the criminal proceedings instituted on the basis of such FIR should be quashed. Further, the power of quashing the criminal proceedings should be exercised very sparingly and with circumspection and that too, in the rarest of rare cases and that the court will not be justified in embarking upon an inquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice as held by the Hon'ble Apex Court in ***State of Haryana and Others v. Bajanlal and Others***.<sup>1</sup> Further, Hon'ble Apex Court has enunciated seven cardinal principles and they are reproduced as follows:

“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) except under an order of a Magistrate within the purview of Section 155(2) of the Code.

3) Where the uncontroverted allegations made in the FIR or complaint 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

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<sup>1</sup> 1992 Supplement 1 SCC 335

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.”

11. Record reveals that *prima facie* case is not made out against the petitioners and absolutely, there is no positive material to attract the case against the petitioners. Assuming for the sake of arguments that the documents relied upon by the petitioners shall not be considered in this petition filed under Section 482 of the Code of Criminal Procedure also, remaining material doesn't constitute an offence and continuation of these proceedings against the petitioners is nothing but abuse of the process of law leading to injustice.

12. **In the result**, this Criminal Petition is allowed, and proceedings against the petitioners/accused Nos.7 & 8 in P.R.C.No.14 of 2024 of the offences under Sections 498-A, 313, 342 & 506 of IPC and Section 3 & 4 of the D.P. Act pending on the file of the First Additional Judicial Magistrate of First Class, Kakinada, are be and hereby quashed.

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

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**SUNITHA GANDHAM, J**

02.09.2026

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