

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION Nos.1625 AND 1626 OF 2017**

**COMMON ORDER:**

In the former Criminal Petition, the petitioners viz., Chelluboina Ramakrishna and Chelluboina Vijaya Gowri, who are arraigned as accused Nos.1 and 2, respectively, on the complaint of Chelluboina Lakshmi, who is *de facto* complainant and respondent No.2 herein, request to quash First Information Report No.5 of 2017, dated 20.01.2017, of Cumbum Police Station, Prakasham District.

2. In the latter Criminal Petition, the very same petitioners viz., Chelluboina Ramakrishna and Chelluboina Vijaya Gowri, who are arraigned as accused Nos.2 and 3, respectively, on the complaint of the very same *de facto* complainant, request to quash First Information Report No.4 of 2017, dated 16.01.2017, of Cumbum Police Station, Prakasham District.

3. In F.I.R. No.5 of 2017, the offences punishable under Sections 452, 354 and 323 read with Section 34 of the Indian Penal Code, 1860 (IPC) are alleged against the petitioners. In F.I.R. No.4 of 2017, the petitioners alleged to have committed the offences punishable under Section 498-A read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

4. Petitioners invoked jurisdiction through the present petitions to quash the aforesaid proceedings by exercising the power under Section 482 of the Code of Criminal Procedure, 1973.

5. Heard Sri Nagaraju Naguru, learned counsel for the petitioners in both the petitions, and the learned Additional Public Prosecutor for the State of Andhra Pradesh, and perused the material on record.

6. The learned counsel for the petitioners would submit that the allegations are vague and the very fact that the *de facto* complainant within a span of four (4) days lodged two complaints, based on which, the present F.I.Rs. have been registered, which would *ex facie* speak falsity in the allegations levelled in the complaints besides reflecting that the allegations are inherently improbable and amount to abuse of the process of law, and, therefore, sought to quash the F.I.Rs., basing on the principles laid down by the Hon'ble Supreme Court in **State of Haryana v. Ch. Bhajan Lal**<sup>1</sup> and **G.V. Rao v. L.H.V. Prasad**<sup>2</sup>.

7. The learned counsel for the petitioner would also submit that the penal provision of Section 354 of IPC alleged by the *de facto* complainant would not at all attract as the petitioners are no other than the parents-in-law of the *de facto* complainant, and thereby seeks to quash the proceedings.

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<sup>1</sup> 1992 (1) SCC 335

<sup>2</sup> (2000) 3 SCC 693

8. The learned Additional Public Prosecutor for the State of Andhra Pradesh would submit that the complaints lodged by the *de facto* complainant contain *prima facie* allegations to make out the offences alleged against the petitioners, and, therefore, it is not a case for quashing the F.I.Rs.

9. In both the matters, investigation is under progress. It is unnecessary to refer to the details of overt-acts contained in the F.I.Rs.

10. The learned counsel has placed reliance on the decision of the Hon'ble Supreme Court in **Preeti Gupta v. State of Jharkhand**<sup>3</sup>. The evidence of PWs.1 to 4 was recorded in the said decision. Identical situation is not occurring in the present case as the petitioners moved this Court at the threshold to quash the F.I.Rs., moreover, they are no other than the parents-in-law of the *de facto* complainant and whether they have separate residence and living away from the *de facto* complainant and her husband, can be examined during investigation.

11. The learned counsel for the petitioner has also placed reliance on a photostat copy of the Relinquishment Deed, dated 12.06.2012, said to have executed by accused No.1 in F.I.R. No.4 of 2017, Ravikiran Yadav, son of Ch. Ramakrishna, in favour of the petitioners herein viz., Ch. Ramakrishna and Vijaya Gowri, who are

no other than the parents of Ravikiran Yadav, relinquishing his right on certain properties except the share he got. But, this deed is an unregistered deed and truth or otherwise of the same requires to be examined during investigation. Even otherwise, when looked at the face value of the F.I.Rs., the accusations levelled by the *de facto* complainant cannot be said as vague, as specific overt-acts are forthcoming attributed to the petitioners, and, therefore, it is not a fit case for quashment of the respective F.I.Rs., as it cannot be said at the threshold that investigation into the F.I.Rs., would amount to abuse of the process of law.

12. However, it is open to the petitioners to place the material, if any, before the Investigation Officer during the course of investigation. The concerned Investigating Officer is directed to follow the procedure inlaid under Section 41-A of Cr.P.C. as directed by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**<sup>4</sup>.

13. With the above directions, both the Criminal Petitions are dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in both the Criminal Petitions stand closed.

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**A. SHANKAR NARAYANA, J**

**March 20, 2017.**

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<sup>3</sup> (2010) 7 SCC 667

<sup>4</sup> (2014) 8 SCC 273