Date of reserved for orders :29-09-2026
Date of pronouncement : 30-10-2026
Date of uploading :30-10-2026

APHC010041142023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 689/2023

Between:

1. THOTA MOHAN RAO, S/O. NAGABHUSHANAM HINDU, AGED ABOUT 56 YEARS, D.NO. 203, 3RD FLOOR, LAKSHMI BALAJI RESIDENCY, SRINAGAR, BALAJINAGAR, NELLORE CITY, SPSR NELLORE DISTRICT.
2. THOTA MAHESWARI,, W/O. THOTA MOHAN RAO, HINDU, AGED ABOUT 52 YEARS, D.NO. 203, PFLOOR, LAKSHMI BALAJI RESIDENCY, SRINAGAR, BALAJINAGAR, NELLORE CITY, SPSR NELLORE DISTRICT.
3. THOTA SWETHA RANI,, W/O. PASUPULETI SANTHOSH HINDU, AGED ABOUT 30YEARS, FLAT NO. 08, KEERTHAN ENCLAVE APARTMENT, 4THCROSS, MUNNEKOLALA, SHIRIDI SAI NAGAR, BANGALORE.

...PETITIONER/ACCUSED(S)

AND

1. SMT KEDAKOTI SANDHYA, W/O THOTA SRAVAN KUMAR, D/O. LATE KEDAKOTI VENKATESWARLU, HINDU, AGED 25 YEARS, D.NO. 208/3, A-BLOCK,SIRI GARDENS, PEDA CHERUKURU VILLAGE, NELLORE MANDAL, SPSR NELLORE DISTRICT
2. THE STATE OF ANDHRA PRADESH, REP. THROUGH PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATI. FOR THE STATE OF 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 pleased to quash the proceedings against the petitioners in DVC. No. 44 of 2022 on the file of Hon'ble 8th Special Judicial Magistrate of Pt Class for Excise Court at Nellore 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 filing of the certified copy of the DVC. No. 44 of 2022 on the file of Hon'ble 8th Special Judicial Magistrate of 1st Class for Excise Court at Nellore, Nellore District and to 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 the appearance of the petitioner in proceedings in DVC. No. 44 of 2022 on the file of Hon'ble 8th Special Judicial Magistrate of 1st Class for Excise Court at Nellore. pending disposal of the above criminal petition and pass

Counsel for the Petitioner/accused(S):

1. N RAVI PRASAD

Counsel for the Respondent/complainant(S):

1. Y SATYARTHA
2. PUBLIC PROSECUTOR (AP)
3. LEGAL AID

The Court made the following:

HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No. 689 OF 2023

ORDER:

This petition is filed by the petitioners/respondent Nos. 2 to 4 to quash the proceedings against them in D.V.C. No. 44/2022 on the file of the VIII Special Judicial Magistrate of First Class (Excise Act), Nellore, of the offences under Section 498-A IPC and Sections 3 and 4 of the D.P. Act.

2. As per the version of the petitioners, respondent No.1 filed a petition in D.V.C. No. 44/2022 against them and her husband/Thota Sravan Kumar, under the provisions of the Protection of Women from Domestic Violence Act, (hereinafter referred to as "the Act)", the allegations are primarily directed against the husband and except for the allegation that the petitioners demanded additional dowry of Rs. 10,00,000/- and sought registration of a property in favour of her husband, no specific date or time is mentioned in respect of the allegations against them. Further, no specific overt act or relief is attributed to or sought against them and that they have been unnecessarily arrayed as respondents in the D.V.C. petition and they filed another petition to quash the proceedings for the offence under Section 498-A of the Indian Penal Code.

3. The case of respondent No. 1 is thus:

That her marriage with Thota Sravan Kumar was solemnized on 25.02.2018 according to Hindu rites and customs. At the time of marriage, her parents gave dowry, customary gifts and gold ornaments. Immediately after the marriage, she joined her husband and led happy marital life for short period. While making separate and specific allegations against her husband, she also alleged that all the respondents harassed her, demanding additional dowry of Rs.10,00,000/- or to get registered her mother's property in favour of her husband. When mediators visited the respondents' house to resolve the dispute, the respondents behaved arrogantly towards them and insisted to bring additional dowry, failing

which they would arrange a second marriage for her husband. Unable to bear the alleged harassment, she left her matrimonial home. Though counseling given through the police and other mediators, her husband did not change his attitude. She eventually gave report to the police and the same was registered as a Crime No. 98/2019. As a counter blast, petitioner No.1 gave report against her.

4. Heard Sri N. Ravi Prasad, learned counsel for the petitioners and Sri Ashok Kondeti, learned counsel for respondent No. 1. Perused the petition and the other material available on record.

5. Point for consideration is, whether the allegations in the petition and the material placed by respondent No.1, taken at face value, disclose the ingredients of domestic violence against the petitioners and whether continuation of the proceedings would amount to an abuse of the process of the Court?

6. As seen from the record, respondent No.1 filed a petition in DVC No.44 of 2022 under the provisions of the Act alleging domestic violence by the respondents and it is pending on the file of the VIII Special Judicial Magistrate of First Class (Excise Act), Nellore, and the petitioners are the parents-in-law and sister-in-law of respondent No.1.

7. Learned counsel for the petitioners would argue that the petition is barred by limitation as the respondent No.1 filed the instant petition after lapse of 2 year 9 months of giving report to police, petitioners never resided with respondent No.1 and her husband, omnibus allegations have been leveled against them, specific allegations are directed against the husband, and that continuation of the proceedings would amount to an abuse of the process of the Court. Further, respondent No.1 having filed petition seeking restitution of conjugal rights, withdrew the same, while her husband filed petition seeking dissolution of the marriage and the same is allowed. Learned counsel further submits that the

petitioners filed Criminal Petition No. 6679/2022 to quash the proceedings against them for the offences under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act and Co-ordinate Bench of this Court allowed the petition by order dated 28.07.2026, quashing the proceedings against the petitioners for the said offences.

8. Per contra, learned counsel for respondent No. 1 contends that the grounds raised by the petitioners should be considered during trial, specific allegations have been leveled against the petitioners, who are the parents-in-law and sister-in-law of respondent No.1, that they too harassed her, demanded additional dowry and committed the acts of domestic violence.

9. In respect of the contention of limitation, the learned counsel for the petitioner relied upon the judgment of Madras High Court in **V.Rajesh and others Vs S.Anupriya**[1], while placing reliance upon ***Inder Singh Grewal vs. State of Punjab & Ors***[2]***,*** it is held that the aggrieved woman driven out from matrimonial home on 30.08.2017 and on 27.05.2019 filed the petition under the provisions of the Act and for other reasons, quashed the proceedings against the respondents therein. In ***Inder Singh Grewal (supra),*** Hon'ble Supreme Court observed that the complaint under the Act is to be filed within one year from the date of the incident as per sections 28, 32 of the Act r/w section 468 of the Cr.P.C. In a recent case of ***Kamatchi vs. Laxmi Narayan***[3]***,*** Hon'ble Apex Court has given different and new interpretation to the law of limitation qua the proceedings governed by the Act and held that an application filed under Section 12 of the Act is not a complaint as per Section 2 of the Cr.P.C. and the application of Section 468 of the Cr.P.C over Section 12 of the Act is not permissible and hence, the rule/ law of limitation of one year is not applicable to

[1] Crl.O.P. No.28034 of 2019
[2] MANU/SC/0988/2011
[3] MANU/SC/0471/2022

the applications filed under Section 12 of the Act. While referring the case of ***Inder Singh Grewal*** (Supra), Hon'ble Apex Court distinguished the same and held that the restrictions imposed by and under section 468 of the Cr.P.C shall not be applicable to the applications filed under the Act. In this regard, it is to be noted that the principle in ***Inder Singh Grewal*** (supra) is rendered by the Full Bench, and a principle in ***Kamatchi case*** (Supra) is rendered by Division Bench of Hon'ble Apex Court and as such, the principle laid down in ***Inder Singh Grewal's*** case has to be followed. In the present case at hand also, since July, 2019, respondent No.1 and her husband have been living separately and having given report on 09.09.2019 of the offences under Section 498-A of the Code and 3 and 4 of the D.P. Act, respondent No.1 filed the instant petition on 03.01.2022 i.e., after lapse of 2 years four months.

10. In response to the contention of the learned counsel for the petitioners that the petitioners never resided with respondent No.1 and her husband, learned counsel for respondent No. 1 relied upon the judgment of the Hon'ble Supreme Court in ***Prabha Tyagi v. Kamlesh Devi[4],*** in which it is held that it is not mandatory for an aggrieved woman who is related by consanguinity, marriage, a relationship in the nature of marriage or adoption, or who is a family member living together as part of a joint family, to have actually resided with the persons against whom allegations are made at the time of the alleged domestic violence, and if a woman has a right to reside in a shared household under Section 17 of the Act and becomes an aggrieved person or victim of domestic violence, she may seek relief under the Act, including enforcement of her right to reside in the shared household and therefore, the question whether the parties shared a household must be considered in the light of the facts and circumstances of the case.

[4] (2022 (8) SCC 90)

11. It is not in dispute that the petitioners filed Criminal Petition No. 6679/2022 to quash the proceedings against them for the offences under Section 498-A of the Code and Sections 3 and 4 of the D.P.Act and Co-ordinate Bench of this Court quashed those proceedings by order dated 28.07.2026. Learned counsel for the petitioners relied upon the judgment of another Co-ordinate Bench of this Court in ***Devu Pradeep Kumar and four others v. Devu Haritha @ Meka Haritha and two others***[5] and in this case also having considered the aspect that the proceedings against the petitioners therein under the provisions of the Act are quashed on the ground that the similar allegations which are leveled against the petitioners of the offences under Section 498-A of the Code are also quashed. Needless to emphasise, the facts in C.C. No.3336 of 2019 are similar to those in D.V.C. No. 44 of 2022.

12. The record indicates that, even according to the version of respondent No.1, the parties set up a separate family at Pune. Apart from the general allegations that all the petitioners harassed respondent No.1 and demanded to bring additional dowry of Rs.10,00,000/-, the material on record, as described in the petition, does not disclose specific acts attributable to the petitioners. As per the judgment of Hon'ble Apex Court in Inder Singh Grewal (supra), the petition must be filed within one year. Having given report to the police in the year 2019, after lapse of two years four months, the instant petition which is under challenge is filed in the year 2022. Added to it, subsequent circumstances, including the dissolution of the marriage, quashing proceedings against the petitioners in C.C. No.3336 of 2019 and withdrawal of the petition for restitution of conjugal rights, have to be considered along with the other material on record.

[5] Crlp. No.2790 of 2013 dated 25.06.2018

13. Further, in ***Kashkashan Kausar @ Sonam v. State of Bihar***[6], the Hon'ble Supreme Court cautioned for initiating or continuing proceedings against relatives on the basis of general and omnibus allegations where no prima facie case is made out against them.

14. The principles laid down in ***State of Haryana v. Bhajan Lal***[7] identify recognised categories in which the inherent powers may be exercised. These include cases where the allegations, even if taken at face value, do not constitute an offence; where the uncontroverted allegations and the material collected do not disclose the commission of an offence; or where continuation of the proceedings would otherwise result in an abuse of the process of the Court. This power is not intended to facilitate a detailed appreciation of evidence or to determine the truthfulness of disputed factual assertions at the stage of considering a quash petition. In the present case, having regard to the nature of the allegations and the material referred to above, the allegations against the petitioners are general in nature and do not disclose sufficient specific material to make out a prima facie case of domestic violence against them.

15. Having regard to the totality of the circumstances and the material placed before this Court, this Court is of the considered view that the case falls within the categories warranting the exercise of inherent jurisdiction to quash the proceedings. The allegations and the material on record, as against the petitioners, do not disclose a prima facie case requiring them to face further proceedings in D.V.C No.44 of 2022 and as such, the proceedings against the petitioners alone are liable to be quashed.

---

[6] 2022 (6) SCC 599
[7] 1992 Supp (1) SCC 335

16. **In the result,** this Criminal Petition is allowed quashing the proceedings against the petitioners/respondent Nos. 2 to 4 alone in D.V.C. No. 44/2022 on the file of the VIII Special Judicial Magistrate of First Class (Excise Court), Nellore.

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

SUNITHA GANDHAM, J

Date:30.10.2026
knl