APHC010056972023

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

FRIDAY, THE 20th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 935/2023

Between:

1. POTHARLANKA SURESH, S/O DEVA PALANA , AGED ABOUT 40YRS, CASTE MADIGA, HANUMANPALEM VILLAGE, KOLLIPARA MANDAL. GUNTUR DT
2. KASUKURTHI PRASANTHI, W/O SURESH , AGED ABOUT 30 YRS, CASTE MADIGA, HANUMANPALEM VILLAGE, KOLLIPARA MANDAL. GUNTUR DT
3. POTHARLANKA VIJAYAMMA,, W/O DEVA PALANA, AGED ABOUT 56YRS, CASTE MADIGA, HANUMANPALEM VILLAGE, KOLLIPARA MANDAL. GUNTUR DT
4. POTHARLANKA DEVA PARANA,, S/O VENKAIAH , AGED ABOUT 62YRS, CASTE MADIGA, HANUMANPALEM VILLAGE, KOLLIPARA MANDAL. GUNTUR DT

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH.
2. DUNNA SIRISHA, W/O. HARI BABU AGED ABOUT 22 YRS , CASTE MADIGA, NALLURIPALEM VILLAGE, REPALLE MANDAL, GUNTUR DISTRICT.

...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 Courtpleased to quash the charge sheet and the consequential proceedings against Petitioners/Accused No.2 to 5 in C.C. No. 592/2022 on the file of Learned Addl. Junior Civil Judge court, Repalle, Guntur District, in the interest of Justice, 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 pleased to dispense with filing of the original certified copy of in C.C.NO 592/2022 on the file of Learned Addl. Junior Civil Judge court, Repalle, Guntur District, before this Hon'ble Court 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 pleased to stay of all the further proceedings against the Petitioners/Accused No.2 to 5 in C.C.NO 592/2022 on the file of Learned Addl. Junior Civil Judge court, Repalle, Guntur District, in the interest of Justice, pending the Criminal Petition before this Hon'ble Court in the interest of Justice

Counsel for the Petitioner/accused(S):

1. VENKATA DURGA RAO ANANTHA

Counsel for the Respondent/complainant(S):

1. ARUN SHOWRI G
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 935 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused Nos.2 to 5 to quash the proceedings against them in C.C. No.592 of 2022 on the file of the Court of the Additional Junior Civil Judge, Repalle, Guntur District, for the offences punishable under Section 498-A of the Indian Penal Code (hereinafter referred to as "the Code") and Sections 3 and 4 of the Dowry Prohibition Act (hereinafter referred to as "the Act").

2. The case of the petitioners is that they never resided with respondent No.2 and Accused No.1, that no specific allegations have been made against them, only general and omnibus allegations of harassment and demand for dowry have been levelled against them, they never subjected respondent No.2 to cruelty and that they have no connection with the alleged harassment or demand for dowry, they are residing separately and that some of them are not residing in the State of Andhra Pradesh, and continuation of the proceedings against them would amount to an abuse of the process of the Court.

3. Heard Sri Venkata Durga Rao Anantha, learned counsel for the petitioners; Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor appearing for respondent No.1; and Sri G. Arun Showri, learned counsel appearing for respondent No.2.

4. Perused the material available on record.

5. As seen from the record, basing on the report of respondent No.2, a case in Crime No.127 of 2022 was registered for the offences stated supra and after completion of the investigation, the investigating officer laid charge sheet for the said offences, against the petitioners and accused No.1 for the said offences. A perusal of the report of respondent No.2 and the statements

of respondent No.2 and the other witnesses recorded under Section 161 Cr.P.C. shows that no specific overt acts have been attributed to petitioner Nos.2 to 4. The allegations against them are general in nature and relate to alleged harassment and demand for dowry, without stating the specific acts, dates or circumstances in which they were involved. So far as petitioner No.1, who is the brother-in-law of respondent No.2, is concerned, the allegation is that he slapped respondent No.2 on one occasion.

6. The statements of the other witnesses also refer generally to the allegation that the petitioners did not like the food prepared by respondent No.2 and harassed her. The statements do not disclose any specific act of cruelty or any particular demand for dowry attributable to petitioner Nos.2 to 4. It is not in dispute, as emerging from the material placed before this Court, that respondent No.2 and Accused No.1 resided at Bhubaneswar. Learned counsel for the petitioners submits that the addresses of all the petitioners are shown as being in Guntur District because that is their native place. It is further submitted that petitioner No.1 is working at Puri, petitioner Nos.1 and 2 are residing at 1 Puri, and petitioner Nos.3 and 4, who are the parents of accused No.1 are residing at Hanumanpalem, Guntur District. As per the petitioners, none of them resided with respondent No.2 and accused No.1 at any point of time. The fact that the petitioners were residing separately, by itself, may not be sufficient to quash the proceedings. However, their separate residence, when considered along with the nature of the allegations and the absence of specific acts attributed to petitioner Nos.2 to 4, is a relevant circumstance. So far as the allegation against petitioner No.1 is concerned, the contentions of the learned counsel have to be considered during trial as there are specific allegations against him. This Court is not inclined to examine the correctness of that allegation at this stage.

7. Learned counsel for the petitioners submits that petitioner No.1 has been staying at Puri and that his personal appearance before the trial Court may be dispensed with. It is also submitted that, at the initial stage, this Court

dispensed with the personal appearance of all the petitioners before the trial Court.

8. The scope of the inherent jurisdiction of this Court under Section 482 Cr.P.C. is well settled. While considering a petition for quashing criminal proceedings, the Court is required to examine the allegations in the complaint/FIR and the material accompanying it, on their face value. The Court ordinarily cannot undertake an inquiry into the correctness, reliability or genuineness of the allegations or appreciate the evidence as if it were conducting a trial. At the same time, where the allegations, even if accepted in their entirety, do not disclose the commission of an offence or do not make out a case against the accused, the Court may exercise its inherent jurisdiction to prevent abuse of the process of the Court and to secure the ends of justice. This power is extraordinary in nature and must be exercised sparingly, with caution and circumspection, and only in appropriate cases.

9. The Hon'ble Supreme Court, in ***State of Haryana v. Bhajan Lal and Others***[1], illustrated the categories of cases in which the inherent power to quash criminal proceedings may be exercised. The relevant principles are as follows:

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

[1] 1992 Supp (1) SCC 335

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

vi) 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.

vii) Where a criminal proceeding is manifestly attended with mala fides 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 a private and personal grudge.

10. The principles laid down in the above decision make it clear that the High Court must consider whether the allegations and the material collected during the investigation, taken at face value, disclose the ingredients of the alleged offences against each accused. Mere repetition of general allegations against all the family members, without particulars indicating the role of an individual accused, may not by itself justify continuation of criminal proceedings against such person. However, the Court must not conduct a mini-trial or assess the probable truth of the allegations.

11. In the present case, on a consideration of the report given by the respondent No.2 and the statements of the witnesses recorded during the investigation, this Court finds that no specific overt act or particular instance of cruelty or demand for dowry is attributed to petitioner Nos.2 to 4. The allegations against them are general and omnibus in nature. The material placed before this Court does not disclose the manner in which petitioner Nos.2 to 4 individually subjected respondent No.2 to cruelty within the meaning of Section 498-A of the Code or made or participated in any demand for dowry attracting Sections 3 and 4 of the Act. Their alleged involvement is stated only in general terms. In these circumstances, permitting the prosecution to continue against petitioner Nos.2 to 4, in the absence of material disclosing their individual role in the alleged offences, would amount to an abuse of the process of the Court.

12. The position of petitioner No.1 stands on a different footing. As noticed above, a specific allegation has been made that he harassed the respondent No.2 and slapped her on one occasion. Whether the said incident occurred, the circumstances in which it allegedly occurred and whether it constitutes an offence are matters which cannot appropriately be determined in a petition for quashing. Those questions are required to be considered by the trial Court on the basis of the evidence adduced. Therefore, no ground is made out to quash the proceedings against petitioner No.1.

13. Learned counsel for the petitioners has also sought dispensation of the personal appearance of petitioner No.1 before the trial Court. Having regard to the submissions made and the fact that petitioner No.1 is residing/working away from the place of trial, his personal appearance may be dispensed with, except on such dates on which his presence is specifically required by the trial Court for a particular purpose, including framing of charge, examination under the relevant provision of law, or any other proceeding where his presence is necessary. The trial Court shall be at liberty to direct his personal appearance whenever required for the effective conduct of the proceedings.

14. **In the result,** and for the foregoing reasons, this Criminal Petition is allowed in part, quashing the proceedings against petitioner Nos.2 to 4/Accused Nos.3 to 5 in C.C. No.592 of 2022 on the file of the Court of the Additional Junior Civil Judge, Repalle, Guntur District, for the offences punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, and this Criminal Petition, insofar as petitioner No.1/accused No.2 is concerned, is dismissed. However, the personal appearance of petitioner No.1 before the trial Court is dispensed with, except on such dates on which his presence is specifically required by the learned Magistrate.

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

SUNITHA GANDHAM, J

20.11.2026
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THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 935 OF 2023

Date: 20.11.2026

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