APHC010136462023

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

WEDNESDAY, THE 14TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO. 2251 OF 2023

Between:

1. PITCHKA UMA, W/O. RAMESH, AGED ABOUT 58 YEARS, R/O. NEAR SATRAM, KOVUR SPSR NELLORE DISTRICT.
2. PITCHKA RMAESH,, S/O. SUBBARAYUDU, AGED ABOUT 65 YEARS, R/O. NEAR SATRAM, KOVUR SPSR NELLORE DISTRICT.
3. PITCHKA SREEKANTH, S/O. RAMESH, AGED ABOUT 42 YEARS, R/O. D.NO.303, BALAJI LAKSHMI NILAYAM, SPSR NELLORE DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. STATE BY REP BY PUBLIC PROSECUTOR, REP. BY PUBLIC PROSECUTOR FOR THE STATE OF ANDHRA PRADESH, HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI.
2. PADAVALA PRATYUSHA, W/O. PICCHIKA PRASANTH KUMAR, AGED ABOUT 34 YEARS, R/O H.NO.27-6-290/4, SREE NAGAR, BALAJI NAGAR, SPSR NELLORE DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Petition under Sections 437/438/439/482 of the Code of Criminal Procedure, 1973, and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying that, in the circumstances stated in the memorandum of grounds of the Criminal Petition, this Court may be pleased to quash all the proceedings in C.C. No. 1448 of 2022 on the file of the V Additional Judicial Magistrate of First Class, Nellore, and pass such other order or orders as this Court may deem fit and proper.

IA NO: 1 OF 2023

Petition under Section 482 of the Code of Criminal Procedure, 1973, and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying that, in

the circumstances stated in the memorandum of grounds of the Criminal Petition, this Court may be pleased to stay all further proceedings, including the appearance of the petitioners, in C.C. No. 1448 of 2022 on the file of the V Additional Judicial Magistrate of First Class, Nellore, pending disposal of the Criminal Petition, and pass such other order or orders as this Court may deem fit and proper.

Counsel for the Petitioner/accused(S):

1. C SUBODH

Counsel for the Respondent/complainant(S):

1. PAVULURI SREENIVASULU
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO. 2251 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/accused Nos. 2 to 4 seeking to quash the proceedings against them in C.C. No. 1448 of 2022 on the file of the V Additional Judicial Magistrate of First Class, Nellore.

2. The case of the petitioners, in brief, is as follows:

The petitioners contend that they have not committed any offence as alleged in the charge sheet and that the allegations against them are omnibus in nature. They submit that there is no material to proceed against them. Petitioner Nos. 1 and 2 are residing at Kovvuru, whereas petitioner No. 3 is residing at Bengaluru. According to the petitioners, even as per the version of respondent No. 2/wife, accused No. 1/husband harassed her, whereupon she came to Kovvuru and informed the petitioners about the harassment. They contend that they have been implicated in the case merely because they are relatives of accused No. 1, without any specific material against them.

3. Heard Sri M. Veerendranath, learned counsel representing Sri C. Subodh, learned counsel for the petitioners, learned counsel for the respondent No.2 and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor.

4. Perused the petition and the material available on record.

5. The record discloses that, based on the report lodged by respondent No. 2, Crime No. 98 of 2022 was registered for the offences punishable under Sections 498-A read with 34 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"). After completion of the investigation, the investigating officer filed a charge sheet against accused No. 1 and the petitioners, who are the parents and brother of accused No. 1. The report of respondent No. 2

indicates that, except on one occasion when accused No. 1 allegedly harassed her, she did not reside with petitioner Nos. 1 and 2. Petitioner No. 3 is stated to be residing at Bengaluru. The principal allegations of harassment relate to accused No. 1, who is alleged to be addicted to vices and to have harassed respondent No. 2 at Hyderabad. The record further indicates that accused No. 1 and respondent No. 2 resided at Hyderabad. The statements of the witnesses recorded under Section 161 Cr.P.C. contain general allegations that the petitioners also harassed respondent No. 2 for giving birth to a female child and demanded an additional dowry of Rs. 5 lakhs. The child was born in 2014, whereas the report was lodged on 14.06.2022. These circumstances are relevant while examining whether the allegations against the petitioners disclose specific acts constituting the alleged offences; however, the mere passage of time, by itself, is not determinative.

6. It is well settled that, while exercising its inherent jurisdiction under Section 482 of the Code of Criminal Procedure to quash criminal proceedings, the High Court must ordinarily proceed on the basis of the allegations in the complaint/FIR and the material accompanying it, taken at face value. The Court is not required at this stage to determine the truth or otherwise of the allegations. Where the allegations, even if accepted in their entirety, do not disclose the commission of an offence or make out a case against the accused, continuation of the proceedings would amount to an abuse of the process of law. At the same time, the power to quash criminal proceedings is extraordinary and must be exercised sparingly, with due circumspection. The Court should not ordinarily undertake an enquiry into the reliability or genuineness of the allegations at this stage. In ***State of Haryana v. Bhajan Lal***[1] the Hon'ble Supreme Court identified illustrative categories in which such power may be exercised, including the following:

> "The allegations in the first information report or the complaint, even if 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."

[1] 1992 Supp (1) SCC 335

> "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) thereof."
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> "The uncontroverted allegations made in the FIR or complaint and the evidence collected in support thereof do not disclose the commission of any offence or make out a case against the accused."
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> "The allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, and investigation by a police officer is undertaken without an order of a Magistrate as contemplated under Section 155(2) of the Code."
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> "The allegations made in the FIR or complaint are so absurd and inherently improbable that, on the basis thereof, no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused."
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> "There is an express legal bar engrafted in any of the provisions of the Code or the concerned Act to the institution or continuance of the criminal proceeding, or there is a specific provision in the Code or the concerned Act providing efficacious redress for the grievance of the aggrieved party."
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> "The criminal proceeding is manifestly attended with mala fides or 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."

7. The principal contention of the learned counsel for the petitioners is that the petitioners did not reside with accused No. 1 and respondent No. 2. In ***Abhishek v. State of Madhya Pradesh***[2], the Hon'ble Supreme Court recognised that, in matrimonial disputes, criminal proceedings against the husband's relatives may amount to an abuse of process where the allegations do not disclose a prima facie case. In ***Kahkashan Kausar alias Sonam v. State of Bihar***[3], the Hon'ble Supreme Court also cautioned against prosecuting relatives on the basis of general and omnibus allegations that do not disclose their specific involvement.

8. In ***Dara Lakshmi Narayana v. State of Telangana***[4], the Hon'ble Supreme Court observed that merely naming family members in criminal proceedings arising out of a matrimonial dispute, without specific allegations

[2] (2023) 16 SCC 666
[3] (2022) 6 SCC 599
[4] 2024 SCC OnLine SC 953

indicating their involvement, would not by itself justify their prosecution. General and sweeping accusations, unsupported by concrete particulars, cannot alone form the basis for continuing criminal proceedings against such family members.

9. On an overall consideration of the material on record, this Court finds no material against the petitioners except single omnibus allegation of harassment for giving birth to female child, that too, after lapse of eight (8) years. The material referred to above does not attribute specific acts to the petitioners, beyond the broad allegation that they harassed respondent No. 2 and demanded additional dowry. In the circumstances of this case, and having regard to the principles laid down by the Hon'ble Supreme Court in the decisions referred to above, continuation of the proceedings against the petitioners would amount to an abuse of the process of law. This finding is confined to the petitioners and does not extend to the allegations against accused No. 1.

10. Accordingly, the Criminal Petition is allowed, and the proceedings against the petitioners/accused Nos. 2 to 4 alone in C.C. No. 1448 of 2022 on the file of the V Additional Judicial Magistrate of First Class, Nellore, are hereby quashed.

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

SUNITHA GANDHAM, J.

14.10.2026

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THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 2251 OF 2023

Date: 14.10.2026

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