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APHC010139542023

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

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 2176/2023

Between:

1. SHAIK AZEEZ BEGAM, W/O KHASIM (LATE), AGED ABOUT 58 YEARS, R/O D.NO 1-168, KALLURI GUDEM VILLAGE, VEMSOOR MANDAL, KHAMMAM DISTRICT, TELANGANA STATE.
2. SHAIK MUNNI, , W/O PRADEEP KUMAR AGED ABOUT 38 YEARS, R/O D.NO 204, CLOCK-2 BUILDING, AI BUTAIN, UMM AI QUWAIN,UAE. REP. BY ITS POWER OF ATTORNEY HOLDER BEFORE THIS HON'BLE COURT WHO IS NO OTHER THAN HER BROTHER SHAIK JANI PASHA

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI.
2. THE SUB INSPECTOR OF POLICE, , TUNI TOWN POLICE STATION, TUNI, KAKINADA DISTRICT.
3. SHEIK NAZIMUNNISA, W/O SHAIK JANI PASHA, D/O M.D ISMAIL, AGED ABOUT 40 YEARS, R/O MUSLIM VEEDI, TUNI TOWN, KAKINADA 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 Court pleased to, quash the charge sheet and the consequent proceedings against Petitioners/Accused No.2 and 3 in C.C. No. 454/2022 On the file of Hon'ble Additional Judicial First class Magistrate court Tuni Kakinada 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 to stay all the further proceedings against the Petitioners/Accused No.2 and 3 in C.C.NO 454 of 2022, On the file of Hon'ble Additional Judicial First class Magistrate court Tuni Kakinada district pending the Criminal Petition before this Hon'ble Court in the interest of Justice. and pass

Counsel for the Petitioner/accused(S):

1. G N V PULLA RAO

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)
2. KATHA SIVA SAI CHANDRA SUBHASH

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 2176/2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused Nos.2 and 3 under Section 482 of the Code of Criminal Procedure, 1973, to quash the proceedings against them in C.C. No.454 of 2022 on the file of learned Additional Judicial Magistrate of First Class, Tuni, for the offences punishable under Sections 498-A and 323 read with Section 34 of the Indian Penal Code, 1860, and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The case of the petitioners, in brief, is that the petitioner No.1 is the mother-in-law and the petitioner No.2 is the sister-in-law of the respondent No.3, they never resided with the respondent No.3 and her husband, the petitioner No.1 is residing of Kallurugudem Village, Vemsoor Mandal, Khammam District, petitioner No.2 has been residing at Dubai for the last ten years, accused No.1 and the respondent No.3 were resided separately at Noida, Bengaluru and Hyderabad. They further contend that the allegations of dowry demand and cruelty are false and have been made only to pressurise the husband and his family members. It is also their case that the petitioner No.2 passport entries support her residence abroad and that the investigating officer, without properly examining the material, filed the charge sheet against them, the allegations against them are vague and that continuation of the proceedings would amount to an abuse of process of law.

3. Heard Sri G.N.V. Pulla Rao, learned counsel for the petitioners, Sri Katha Siva Sai Chandra Subhash, learned counsel for the respondent No.3, and Smt. K. Priyaka Lakshmi, learned Assistant Public Prosecutor.

4. Perused the petition, the material available on record and the written submissions filed by the learned counsel for both parties. The learned counsel for the petitioners has also filed certified copy of the order in M.C. No.2 of

2023 on the file of the Additional Judicial Magistrate of First Class, Tuni, and copies of certain payment transactions.

5. Learned counsel for the petitioners would submit that neither of the petitioner resided with the respondent No.3 and her husband, petitioner No.2 has been residing at Dubai for the last ten years, the passport entries and the power of attorney executed by her show her residence at Dubai, accused No.1 has been paying maintenance pursuant to the order passed in M.C. No.2 of 2023 and that the material placed before the Court does not disclose any specific act of cruelty or dowry harassment attributable to the petitioners and relied upon the judgment in ***Charul Shukla v. State of Uttar Pradesh and Others***[1].

6. Per contra, learned counsel for the respondent No.3 submits that the petitioners received dowry, instigated the husband to harass the respondent No.3 and also participated in the acts of cruelty, the petitioner No.1 resided with the couple at Bengaluru and that the petitioner No.2 visited India and participated in the harassment, the allegations and the material collected during investigation disclose a prima facie case and the disputed questions raised by the petitioners cannot be decided in a petition under Section 482 Cr.P.C.

7. As seen from the record, basing on the report of respondent No.3, a case in crime No. 127 of 2022 of the offences under Sections 498-A, 323 r/w Section 34 IPC and Sections 3 and 4 of the D.P Act and after completion of investigation, the investigating officer laid charge sheet of the said offences against the petitioners and accused No.1 by deleting the name of brother of accused No.1 alleging that father of the respondent No.3 paid dowry and additional dowry and that, being dissatisfied with the same, the husband and the petitioners continued to harass her, the petitioners instigated the husband

[1] 2026 INSC 297

to subject her to cruelty and accused No.1 beat the respondent No.3 with a laptop charger in May, 2021.

8. A careful examination of the report and the statement of the respondent No.3 recorded under Section 161 Cr.P.C. shows a material distinction between the allegations against the two petitioners. So far as the allegations against the petitioner No.2/ accused No.3 is concerned, the respondent No.3 has not stated that she resided with the couple at Bengaluru or elsewhere. The allegations against petitioner No.2/ accused No.3 are general in nature that she also harassed respondent No.3 along with the petitioner No.1, instigated the accused No.1 and committed the acts of cruelty. No specific date, time or particular act of dowry demand or cruelty has been attributed to her. The material placed before this Court, including the passport entries and the power of attorney, indicates that since 2017, the petitioner No.2 has been residing at Dubai and that her visits to India were occasional. There is no specific allegation identifying any act of cruelty or dowry harassment committed by her during any such visit.

9. The mere fact that a relative occasionally visits India or the matrimonial home cannot, by itself, be treated as an act of participation in cruelty or dowry harassment. Such a visit does not provide a legal basis to array that relative as an accused unless the complaint or the material collected during investigation discloses specific conduct connecting that person with the alleged offence. The fact of occasional visits, without particulars of any demand, instigation, assault or other act of harassment during those visits, cannot substitute the requirement of specific allegations of involvement.

10. In this regard, it is to be noted that in ***Muppidi Lakshmi Narayana Reddy and Others v. State of Andhra Pradesh and Another***[2] also the relatives of the husband used to reside at Hyderabad, whereas, the wife used to reside at Guntur and the allegation was that relatives of her husband used

[2] 2025 INSC 562 : [2025] 4 S.C.R. 1715

to visit Guntur, instigate her husband and demanded dowry and in such circumstances, Hon'ble Apex Court observed that there was no specific date as to when they visited Guntur and joined in the alleged demand for dowry. Further, in ***Geeta Mehrotra and Another v. State of Uttar Pradesh and Another***[3]***,*** it is held that a casual reference to the names of family members, without allegations of their active involvement, would not justify their prosecution and in ***Dara Lakshmi Narayana and Others v. State of Telangana and Another***[4], it is held that general and omnibus allegations, without specific instances of involvement, would not justify continuation of the criminal proceedings against such relatives.

11. In the present case at hand also no specific dates are mentioned and general allegation of harassment and demand of dowry is leveled against petitioner No.2, who is a resident at Dubai and that she only occasionally visited India. The respondent No.3 has not identified any particular visit during which the petitioner No.2 demanded dowry, instigated her husband to demand dowry or committed any act of cruelty. A general statement that both the petitioners instigated her husband, without particulars of the alleged acts, is not sufficient to sustain the prosecution against the petitioner No.2. Added to it, the decision in ***Preeti Gupta and Another v. State of Jharkhand and Another***[5], also emphasises that allegations against relatives living in different cities and who never or rarely visit the place where the respondent No.3 resides require careful scrutiny.

12. The fact that the investigating officer deleted the name of the husband's brother, who was also referred to in the initial report, is not by itself decisive, however, the statements recorded during investigation and the absence of specific allegations against the petitioner No.2 have to be considered together. As per the material placed before this Court, the allegations against the

[3] (2012) 10 SCC 741
[4] 2024 INSC 953
[5] (2010) 7 SCC 667

petitioner No.2 remain omnibus and do not disclose her active participation in the alleged offences. Even if those allegations are taken at their face value, they do not disclose the essential particulars necessary to proceed against her. Continuation of the proceedings against the petitioner No.2 would therefore amount to an abuse of the process of Court.

13. The position with regard to the petitioner No.1/A2 is different. The respondent No.3 has stated that the petitioner No.1 resided with her and her husband at Bengaluru. Further, the report contains a specific allegation that on 06.08.2022, when the respondent No.3 went to her husband's flat and found it locked, she went to Tuni and contacted the petitioner No.1, who allegedly threatened her. The truth or otherwise of this allegation and whether the conduct alleged would ultimately satisfy the ingredients of the offences charged, are matters to be examined on the basis of evidence during trial. At this stage, the Court cannot treat the allegations against the petitioner No.1 as merely a casual reference or as wholly general and omnibus. The contention of the petitioner No.1 that she was residing elsewhere raises a factual issue which cannot be conclusively determined in the present proceedings when the prosecution material contains a specific allegation of her involvement. Therefore, no ground is made out to quash the proceedings against the first petitioner/A2.

14. The jurisdiction under Section 482 Cr.P.C. is to be exercised sparingly and with circumspection. At this stage, the Court is not required to conduct a mini-trial or assess the reliability of the prosecution evidence. At the same time, where the allegations, even if accepted in their entirety, do not disclose the commission of an offence against a particular accused, the Court is empowered to prevent abuse of the process of law. In ***State of Haryana and Others v. Bhajan Lal and Others***[6], the Hon'ble Supreme Court illustrated the categories of cases in which the inherent power may be exercised,

[6] 1992 Supp (1) SCC 335

including cases where the allegations, taken at face value, do not prima facie constitute an offence or where the proceedings are manifestly attended with mala fides.

15. In view of the foregoing discussion, this Court is of the considered view that the allegations and the material collected during investigation do not disclose a prima facie case against the petitioner No.2/A3 and therefore, proceedings against her are liable to be quashed. However, the material contains specific allegations against the petitioner No.1/A2 which require consideration by the trial Court. The petition, insofar as it relates to the petitioner No.1, does not warrant interference under Section 482 Cr.P.C.

16. **In the result**, this Criminal Petition is allowed in part, quashing the proceedings against the petitioner No.2/Accused No.3 in C.C. No.454 of 2022 on the file of Court of the Additional Judicial Magistrate of First Class, Tuni, for the offences punishable under Sections 498-A and 323 read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961, and dismissed the Criminal Petition insofar as the petitioner No.1/Accused No.2. The observations made in this order are confined to the consideration of the present Criminal Petition. The trial Court shall independently consider the evidence and decide the case against the petitioner No.1/Accused No.2, in accordance with law, without being influenced by any observation made in this order.

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

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SUNITHA GANDHAM,J

Date:10-11-2026
SSA/ knl