Date of reserved for orders : 22-09-2026
Date of pronouncement : 30-10-2026
Date of uploading : 30-10-2026

APHC010301102023

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: 4252/2023

Between:

1. SRI PHANI RAGHAVALU MEDURI, S/O.M.V.SAGAR, AGED ABOUT 39 YEARS, OCC. BUSINESS, R/O. FLAT NO.403, SAILOKPENUMARTHYAPTS, ROAD NO.2. HARIPURI COLONY. KOTHAPET, HYDERABAD.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP, BY ITS LEARNED PUBLIC PROSECUTOR, HIGH COURT BUILDINGS, AMARAVATHI.
2. SMT LAKSHMI MEDURI, W/O. SRI PHANIRAGHAVALUMEDURI. OCC. HOUSEWIFE, R/O. D.NO.9-64-11A, SWEDEN GULAB STREET,KOTHAPETA VIJAYAWADA-520001, NTR 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 crime No.554/202u Dt.13.10.2020 of Vijayawada II Town Police Station by allowing the instant quash petition and to 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 filing certified copy of Charge Sheet in Crime No. 554/2020 dated 13.10.2020 of Vijayawada II TownPolice Station, A.P, for the offences under Sections Cr.No.554/2020 U/s.49A(A) IPC and Sec.3 of DP Act 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 to stay all further proceedings pursuant to the crime No.554/2020 Dt.13.10.2020 registered by the II Town Police Station. Vijayawada pending disposal of the above quash petition and to pass

Counsel for the Petitioner/accused:

1. V PREETI REDDY

Counsel for the Respondent/complainant(S):

1. VENIGALLA SRINIVASA RAO
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No.4252 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner/ accused to quash the proceedings against him in Crime No.554 of 2020 of II Town Police Station, Vijayawada, registered for the offences punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Case of the petitioner is that he has not committed any offence, the marriage was an arranged second marriage, the respondent No.2 and her family members were aware of the relevant circumstances before the marriage, he has not received any dowry, never harassed respondent No.2, the allegations are false and motivated by the matrimonial dispute, the petitioner filed a petition in O.P. No.469 of 2020 before the Additional Family Court, City Civil Court at Hyderabad and sought interim relief in I.A. No.413 of 2020. Further, an order restraining the respondent No.2 from entering the house in question is also obtained and the criminal case is a counterblast to the matrimonial proceedings and the order passed therein.

3. The brief facts of the case, are that the marriage between the petitioner and the respondent No.2 was solemnised on 08.03.2019 in the presence of elders and according to Hindu customs, parents of the respondent No.2 have presented cash, gold ornaments and other articles to the petitioner and immediately, after marriage, the petitioner began suspecting her, repeatedly questioned her about her previous marriage, demanded her email and other passwords, and subjected her to mental harassment. Further, petitioner committed the acts of cruelty, questioned her association with another woman in respect of one Kranthi, quarreled with respondent No.2 and she also attempted to commit suicide.

4. Heard Smt. V.Preeti Reddy, learned counsel for the petitioner and Sri V.Srinivasa Rao, learned counsel for respondent No.1 as well as Smt.K.Priyanka Lakshmi, learned Assistant Public Prosecutor representing State. Perused the material available on record.

5. The case is still at the stage of investigation. The petitioner obtained an interim order staying further investigation during the pendency of this Criminal Petition and as such, the investigating agency could not complete the investigation and place the full material before the Court. The question, therefore, is whether the First Information Report and the material presently available warrant the extraordinary exercise of the inherent jurisdiction of this Court to quash the crime at this early stage.

6. The existence of matrimonial proceedings and the timing of the complaint are relevant circumstances; however, they do not, by themselves, establish that the criminal complaint is false or that the proceedings are an abuse of process. The Family Court proceedings concern the matrimonial rights and reliefs claimed by the parties. The present petition concerns the separate question whether the allegations reported to the police require investigation under the criminal law. The two proceedings operate in different fields, and the pendency of one does not automatically bar the other.

7. The inherent power under Section 482 Cr.P.C. is intended to prevent abuse of the process of any Court and to secure the ends of justice. It is an extraordinary power which must be exercised sparingly and with caution. At the stage of considering a request to quash an FIR, the Court is not expected to conduct a trial, assess the credibility of witnesses, or decide whether the allegations are ultimately true. The principal question is whether the allegations,

taken at face value and read as a whole, disclose the commission of an offence requiring investigation.

8. In ***State of Haryana v. Bhajan Lal***[1], the Hon'ble Supreme Court identified illustrative categories in which an FIR may be quashed, including where the allegations, even if accepted in their entirety, do not constitute an offence or where the proceeding is manifestly attended with mala fides and instituted maliciously for an ulterior purpose. Those categories are illustrative and do not permit the Court to decide disputed questions of fact at the threshold.

9. The principles governing interference at the investigation stage have been explained in ***M/s Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra***[2]***,*** by the Hon'ble Supreme Court that the police have a statutory right and duty to investigate cognizable offences and that Courts should not ordinarily thwart such investigation and quashing an FIR should be an exception rather than the rule and that the Court cannot embark upon an inquiry into the reliability or genuineness of the allegations while investigation is in progress.

10. It is further observed that an FIR is not an encyclopedia of all facts and details and when the facts are still unclear and the entire material is not before the Court, it would be premature to conclude that the complaint does not deserve investigation or that it amounts to an abuse of process. Further, the investigating agency must ordinarily be allowed to collect the relevant evidence and reach its conclusion in accordance with law and if the investigation reveals no substance in the allegations, the investigating officer may submit an appropriate report for consideration by the jurisdictional Magistrate. The relevant principles in ***M/sNeeharika Infrastructure*** (supra) directly apply to the present case, where the investigation is stated to have remained incomplete because of the interim stay.

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[1] 1992 Supp (1) SCC 335
[2] (2021) 19 SCC 401

11. In the present case, the complaint contains allegations concerning the conduct of the petitioner after the marriage, including alleged mental harassment and allegations relating to cash and gold articles provided at the time of marriage. Whether the allegations are true, whether the articles were given voluntarily or pursuant to an unlawful demand, and whether the conduct alleged satisfies the ingredients of the offences under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act are matters which require consideration in the light of the evidence collected during investigation. At this stage, this Court cannot record a final finding on those disputed matters.

12. As per the version of petitioner, no offence has been committed is a denial of the prosecution allegations and the complaint is given as a counterblast to O.P. No.469 of 2020 and the interim order in I.A. No.413 of 2020 also raises a question concerning the parties' competing versions and the circumstances in which the respondent No.2 gave report. Unless the allegations, even if accepted as they stand, fail to disclose any offence, or the case clearly falls within a recognised category for quashing, these disputed matters cannot be conclusively determined in proceedings under Section 482 Cr.P.C.

13. The fact that the petitioner approached the Family Court before or around the time of the report does not, by itself, establish that the respondent No.2 instituted the criminal case with an ulterior motive. Equally, the existence of a matrimonial dispute does not prevent the police from investigating allegations which, on their face, disclose a cognizable offence. The Court must avoid treating a criminal complaint as false merely because the parties are involved in matrimonial litigation. The petitioner will be at liberty to place his version and supporting material before the investigating officer, who shall consider the same fairly and in accordance with law.

14. It is significant that the matter remains at the crime stage and the investigation has not been completed. The full statements of relevant witnesses, documentary material, and other evidence, if any, have not yet been collected or assessed in the course of a completed investigation. In these circumstances, accepting the petitioner's version and quashing the crime now would require this Court to assess disputed facts on an incomplete record. Such an exercise would be contrary to the restraint required under Section 482 Cr.P.C. and the principles laid down in ***M/s.Neeharika Infrastructure*** (supra).

15. Permitting investigation does not amount to holding that the petitioner is guilty. It only enables the investigating agency to ascertain the truth of the allegations by collecting relevant material from both sides. The petitioner's defence, the documents relied upon by him, and the circumstances of the matrimonial proceedings can be placed before the investigating officer. After completion of investigation, the investigating officer must take an appropriate decision in accordance with law, and any report filed shall be subject to the jurisdictional Magistrate's scrutiny. The petitioner's rights and defences are thus preserved without prematurely terminating the investigation.

16. As per the material available on record, this Court is not satisfied that the case falls within any of the exceptional categories warranting quashing of the FIR at the threshold. The allegations require investigation, and the petitioner has not shown a sufficient basis for this Court to conclude, before the investigation is completed, that continuation of the investigation would amount to an abuse of process. In view of the principles laid down in **Bhajan Lal (supra) and M/s.Neeharika Infrastructure (supra)**, the request to quash the crime is liable to be rejected.

17. **In the result**, this criminal petition is dismissed. The interim order staying investigation, if subsisting, stands vacated. The investigating officer is at liberty to proceed with and complete the investigation in Crime No.554 of 2020 of II Town Police Station, Vijayawada, in accordance with law, without being influenced by any observations made in this order. It is made clear that the observations in this order are confined to the limited question of whether the investigation should be quashed at this stage. They shall not be treated as findings on the truth or otherwise of the allegations or on the guilt or innocence of the petitioner. The investigating agency shall conduct the investigation fairly and independently, consider the material produced by both sides, and proceed in accordance with law.

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

SUNITHA GANDHAM, J

Date:30.10.2026
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