APHC010304392023

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

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 4342/2023

Between:

1. SMT. PALAKURTHI VEERA VENKATA LAKSHMI, W/O. VEERABHADRARAO, AGED 56 YEARS, OCC. HOUSE WIFE, R/O. H.NO.4-238, NEAR SAI BABA TEMPLE, RAYALA AREA, BHIMAVARAM, WEST GODAVARI DISTRICT.
2. SRI. PALAKURTHI VEERABHADRA RAO,, AGED 66 YEARS, OCC. NIL, H.NO.4-238, NEAR SAI BABA TEMPLE, RAYALA AREA, BILIMAVARAM, WEST GODAVARI DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY THE SHO KOTHACHERUVU POLICE STATION, SRI SATYA SAI DISTRICT THROUGH PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMRAVATI.
2. SMT DEEPIKA, W/O. PVS MURALI KRISHNA, AGED.35 YEARS OCC. SOFTWARE ENGINEER, R/O. TALAMARLA VILLAGE, KOTHACHERUVU MANDAL, SRI SATVA SAI 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 CC.No.540/2022 on the file of the Court of The Judicial First Class Magistrate, Puttaparthy, arising out of

Cr. No.IO2 of 2022 pending on the file of SHO Kothacheruvu Police Station Sri Satya Sal 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 of all further proceedings including appearance of the petitioners in CC.No.540/2022 on the file of the Court of The Judicial First Class Magistrate, Puttaparthy, arising out of Cr.No.102 of 2022 on the file of SHO Kothacheruvu Police Station Sri Satya Sai District in the interest of justice and pass

Counsel for the Petitioner/accused(S):

1. KADIYAM NEELAKANTESWARA RAO

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No.4342 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused Nos.2 and 3 to quash the proceedings against them in C.C. No.540 of 2022 on the file of the learned Judicial Magistrate of First Class, Puttaparthy, for the offences punishable under Sections 498-A and 323 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as "the IPC"), and Sections 3 and 4 of the Dowry Prohibition Act (hereinafter referred to as "the Act").

2. The case of the petitioners, in brief, is that they never resided with accused No.1 and respondent No.2 and that they are in no way concerned with the allegations made against them, they neither committed any act of cruelty against respondent No.2 nor demanded additional dowry, allegations against them are omnibus in nature, they are senior citizens residing at Bhimavaram, whereas, respondent No.2 and accused No.1 resided at Bengaluru. Further, no material is available against the petitioners and that the ingredients of the offences punishable under Sections 498-A and 323 read with Section 34 of the IPC and Sections 3 and 4 of the Act are not attracted against them.

3. Heard Sri Kadiyam Neelakanteswara Rao, learned counsel for the petitioners, and Smt. K.Priyaka Lakshmi, learned Assistant Public Prosecutor. Having received notice, respondent No.2 remained absent.

4. Learned counsel for the petitioners would argue that the allegations against the petitioners are omnibus in nature and that no specific allegations or overt acts are attributed to either of them, the material collected during the investigation does not disclose the ingredients of the alleged offences against the petitioners and that continuation of the criminal proceedings would amount to an abuse of the process of the Court.

5. Learned Assistant Public Prosecutor opposed the petition and submitted that the material discloses the involvement of the petitioners and that the truthfulness of the allegations cannot be examined while exercising the inherent jurisdiction of this Court at this stage.

6. As seen from the record, basing on the report of respondent No.2, a case in Crime No.102 of 2022 is registered for the offences punishable under Sections 498-A and 323 read with Section 34 of the IPC and Sections 3 and 4 of the Act against the petitioners and Accused No.1, and after completion of investigation, the Investigating Officer laid charge sheet for the aforesaid offences. The allegations primarily relate to the conduct of accused No.1. As regards the petitioners, it is alleged, in general terms, that they supported their son, demanded additional dowry and harassed respondent No.2. The question is whether these allegations, taken at their face value along with the material collected during the investigation, disclose the commission of the alleged offences by the petitioners.

7. A perusal of the report lodged by Respondent No.2 and her statements recorded under Section 161 Cr.P.C. shows that the allegations against the petitioners are general and omnibus in nature. The allegations relate to incidents said to have occurred prior to 2020. No specific date, place or particular act of cruelty, physical assault or demand for dowry attributable to either petitioner is set out. The record also indicates that respondent No.2 and accused No.1 were residing at Bengaluru, whereas, the petitioners were residing at Bhimavaram. Separate residence, by itself, would not absolve a relative of criminal liability if specific acts are alleged, however, in the present case, not only the separate residence but also the absence of specific allegations and the lack of material showing the individual role of either petitioner, assumes relevance in assessing whether a prima facie case is made out against them.

8. In this regard, it is to be noted that in ***Dara Lakshmi Narayana and others v. State of Telangana and another***[1]***,*** Hon'ble Supreme Court observed that merely referring to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement, cannot form the basis for criminal prosecution and general and sweeping accusations, unsupported by concrete material or particularised allegations, do not justify continuation of criminal proceedings.

9. Further, the principles laid down by the Hon'ble Supreme Court in ***Geeta Mehrotra and another v. State of Uttar Pradesh***[2], and ***Preeti Gupta and another v. State of Jharkhand***[3], are also relevant. The Hon'ble Supreme Court cautioned that general and omnibus allegations against the relatives of the husband, without specific allegations indicating their role, should not result in such relatives being compelled to undergo the ordeal of a criminal trial. The Court must examine whether the allegations disclose the ingredients of the offences against each accused, rather than permitting prosecution to continue merely because the accused are related to the husband.

10. Learned counsel for the petitioners also relied upon the judgment of the Hon'ble Supreme Court in ***Geddam Jhansi and another v. State of Telangana and others***[4] and in which, it is held that where only bald allegations are made against the petitioners, who did not reside with the husband and wife, and no specific allegation is attributed to them, continuation of the proceedings may amount to an abuse of the process of the Court.

11. The fact that respondent No.2 has not appeared despite service of notice does not, by itself, establish that the allegations are false or that she has no objection to the relief sought and the material produced by the prosecution has to

[1] 2024 SCC OnLine SC 953
[2] (2012) 10 SCC 741
[3] (2010) 7 SCC 667
[4] 2025 (3) ALT (Crl.) 26 (SC) (NRC)

be taken into consideration. On such consideration, this Court finds that the allegations against the petitioners do not specify the acts allegedly committed by either of them. Their alleged participation is stated only in general terms, without particulars that would indicate how either petitioner committed the offences alleged.

12. It is well settled that, while exercising the inherent jurisdiction under Section 482 Cr.P.C., this Court has to consider the allegations in the complaint/FIR and the material accompanying them on their face value. At this stage, the Court is not required to conduct a detailed enquiry into the reliability or genuineness of the allegations. However, where the allegations, even if taken at their face value and accepted in their entirety, do not constitute an offence or do not disclose the ingredients of the alleged offences against a particular accused, continuation of the criminal proceedings would amount to an abuse of the process of law. In ***State of Haryana and others v. Bhajan Lal and others***[5], the Hon'ble Supreme Court illustrated the categories of cases in which the inherent power may be exercised. These include cases where the allegations, even if accepted in their entirety, do not prima facie constitute an offence; where the allegations and the material collected do not disclose the commission of an offence; where the allegations are so absurd or inherently improbable that no prudent person could conclude that there is sufficient ground to proceed against the accused; where there is an express legal bar to the institution or continuance of the proceedings; and where the proceedings are manifestly attended with mala fides. This power, however, must be exercised sparingly, with circumspection and only when the circumstances warrant such intervention.

13. In the present case, the allegations against the petitioners are general in nature and do not disclose the specific role played by either of them. Even if the allegations are accepted as true, they do not contain sufficient particulars to

[5] 1992 Supp (1) SCC 335

show that the petitioners demanded dowry, subjected respondent No.2 to cruelty, or voluntarily caused hurt to her. The material referred to in the charge sheet, as described in the record placed before this Court, does not cure this deficiency by disclosing specific acts attributable to the petitioners. The allegations primarily concern accused No.1, and the petitioners appear to have been implicated on the basis of their relationship with him. This Court is not expressing any opinion on the allegations against accused No.1. Having regard to the totality of the circumstances, this Court is satisfied that continuation of the proceedings against the petitioners alone would amount to an abuse of the process of the Court and that the case warrants exercise of the inherent jurisdiction.

14. **In the result**, and for the foregoing reasons, this Criminal Petition is allowed, quashing the proceedings against the petitioners/ accused Nos.2 and 3 alone in C.C. No.540 of 2022 on the file of the Judicial Magistrate of First Class, Puttaparthy, for the offences punishable under Sections 498-A and 323 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The proceedings against the other accused shall continue in accordance with law.

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

SUNITHA GANDHAM, J

Date: 05.11.2026
MMK/ knl