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APHC010335132023

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: 5136 OF 2023

Between:

1. MARUTHI RAMESH, S/O LAKSHMANA RAO, AGED 53 YEARS, R/O KOTHAPETA, VAGU CENTRE, VIJAYAWADA.
2. KALLI SULOCHANA, W/O KRISHNA PRASAD, AGED 63 YEARS, R/O VAGU CENTRE, VIJAYAWADA.
3. KALLI KRISHNA PRASAD, S/O RAMA RAO,GED 66 YEARS, R/O VIJAYAWADA.
4. SAVARAM BHARATHI, W/O MANOJ KUMAR,AGED 59 YEARS R/O KOTHAPETA,VAGU CENTRE, VIJAYAWADA
5. MOGALLA VIJAYA NIRMALA, W/O PRASAD AGED 57 YEARS R/O PRASADAM PADU,VIJAYAWADA
6. SUNKARA USHA RANI, W/O SHANKARA RAO, AGED 61 YEARS, PRASADAM PADU, VIJAYAWADA.
7. SUNKARA SANKARA RAO,, S/O BAVAJI RAO, AGED 60 YEARS, PRASADAM PADU, VIJAYAWADA.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, HIGH COURT BUILDINGS AT NELAPADU, GUNTUR DISTRICT,

ANDHRA PRADESH.

2. MARUTHI JAYA LAKSHMI SURE SREE, W/O RAMESH, AGED 37 YEARS, R/O BAPULAPADU VILLAGE AND MANDAL, KRISHNA 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 Courtmay be pleased to call for the records pertaining to the charge-sheet in C.C. No. 634/2020 on the file of the court of the Honourable Judicial First Class Magistrate at Nuzvid and consequently quash the charge-sheet in C.0 No. 634/2020 and pass such

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

Counsel for the Petitioner/accused(S):

1. SREENIVASA RAO VELIVELA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No: 5136 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused Nos.1 to 7, to quash the proceedings against them in C.C. No.634 of 2020 on the file of the learned II Additional Judicial Magistrate of First Class, Nuzvid, for the offences punishable under Sections 498-A, 506 and 323 of the Indian Penal Code (for short, "IPC") and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short, "the DP Act").

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

The allegations made against the petitioners are general and omnibus in nature. The report does not contain particulars showing how the alleged acts of harassment were committed. The charge sheet also does not disclose the necessary details of the alleged harassment or the specific dates on which such incidents occurred. According to the petitioners, the essential ingredients of the alleged offences are not made out. Petitioner Nos.2 to 7 are senior citizens and have been implicated only because they are relatives of petitioner No.1. They contend that they never harassed respondent No.2 and that continuation of the proceedings against them would amount to an abuse of the process of the Court.

3. The case of the prosecution, in brief, is as follows:

Accused No.1 is the legally wedded husband of respondent No.2. Petitioner Nos.2 and 4 to 6 are the sisters of accused No.1, while petitioner Nos.3 and 7 are his brothers-in-law. At the time of the marriage, the parents of respondent No.2 allegedly gave dowry. Immediately after marriage, respondent No.2 joined accused No.1 to lead her marital life. All the petitioners and respondent No.2 lived together and that, on several occasions, the petitioners physically and mentally harassed respondent No.2 and

demanded additional dowry. They abused and beat her, causing injuries. Though the matter was brought to the notice of elders, the issue was not resolved.

4. Heard Sri Sreenivasa Rao Velivela, learned counsel for the petitioners, and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor for respondent No.1/State. Though notice is served on respondent No.2, she remained absent. Perused the material available on record.

5. As seen from the record, basing on the report of the respondent No.2, a case in Crime No.245 of 2023 was registered for the offences punishable under Sections 498-A, 506 and 323 IPC read with Sections 3 and 4 of the DP Act, against the petitioners and one B. Sudharani and after completion of investigation, the investigating officer laid charge sheet for the offences stated supra, against all the petitioners and the same is registered as C.C. No.634 of 2020 and is pending on the file of the learned II Additional Judicial Magistrate of First Class, Nuzvid.

6. While advancing arguments, learned counsel for the petitioners submitted that he was confining his submissions to petitioner Nos.2 to 7, as petitioner No.1 is the husband of respondent No.2 and Accused No.1 in the case.

7. It is not in dispute that petitioner Nos.2 to 7 are senior citizens, however, a perusal of the report and the statements of respondent No.2 and the other witnesses recorded under Section 161 Cr.P.C. shows that allegations have been made against all the petitioners, petitioner Nos.2, 4, 5 and 6 are the sisters of accused No.1, while petitioner Nos.3 and 7 are his brothers-in-law. The allegations are not confined merely to their relationship with accused No.1 and the material attributes acts of harassment and demand of additional dowry. As per the respondent No.2, herself and the petitioners lived together and though the report does not specify the dates of each alleged incident, it

contains allegations regarding the nature of the alleged harassment. At this stage, the absence of specific dates, by itself, is not sufficient to conclude that the allegations are wholly baseless, particularly when the statements recorded during the investigation also refer to the alleged conduct. Whether the allegations are true, and what role, if any, each petitioner played, are matters that require consideration on the basis of evidence during trial.

8. Learned counsel for the petitioners further submitted that, subsequent to the present complaint, respondent No.2 gave another report, which was registered as Crime No.83 of 2022 for the offences punishable under Sections 341, 323 and 506 read with Section 34 IPC against petitioner Nos.1, 2, 4 and 6, and at the culmination of trial, the case was ended in acquittal by judgment dated 02.08.2024 in C.C. No.87 of 2024 on the file of the learned Judicial Magistrate of First Class, Gannavaram. A perusal of the copy of the judgment in C.C. No.87 of 2024 shows that the allegations in that case related to wrongful restraint, causing hurt and criminal intimidation. Those allegations are distinct from the allegations in the present case, which relate to cruelty and demand for dowry. The acquittal in the other case, therefore, does not by itself determine the truth or otherwise of the allegations in the present proceedings. The said judgment cannot be treated as a ground to quash the present proceedings without examining the material relating to the offences alleged in this case.

9. The inherent jurisdiction under Section 482 Cr.P.C. is to be exercised sparingly and with circumspection. At the same time, the Court is required to examine the allegations and the material collected during the investigation to ascertain whether continuation of the proceedings would amount to an abuse of the process of law. In ***Mahmood Ali v. State of Uttar Pradesh***[1], the Hon'ble Supreme Court reiterated that, while considering a petition for quashing, the Court may examine the attending circumstances emerging from

[1] 2023 INSC 681

the record and is not required to confine itself mechanically to the recitals in the First Information Report alone.

10. The principles laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***[2], identify the recognised categories in which the inherent power may be exercised. These include cases where the allegations, even if taken at face value, do not constitute an offence; where the uncontroverted allegations and the material collected do not disclose the commission of an offence; or where continuation of the proceedings would otherwise amount to an abuse of the process of the Court. However, the power under Section 482 Cr.P.C. is not intended to conduct a detailed appreciation of the evidence or to decide disputed questions of fact at the stage of considering a petition for quashing.

11. In the present case, the statements of respondent No.2 and the other witnesses, as referred to in the charge sheet, contain allegations attributing acts of harassment and demand for additional dowry to the petitioners. The contention that the allegations are false, that the petitioners did not participate in the alleged acts, and that the absence of specific dates makes the prosecution untenable involves disputed questions of fact. These matters can be tested by the Trial Court after the evidence is placed on record. At this stage, this Court cannot undertake a mini-trial or weigh the credibility of the witnesses. The fact that petitioner Nos.2 to 7 are relatives of accused No.1 and are senior citizens is a relevant circumstance, but it does not, in the face of the allegations and the material collected, by itself justify quashing the proceedings.

12. Having regard to the totality of the circumstances and the material placed before this Court, this Court is of the considered view that the case does not fall within any of the categories warranting the exercise of the

[2] 1992 Supp (1) SCC 335

inherent jurisdiction to quash the proceedings. The allegations and the material collected during the investigation disclose a prima facie case requiring adjudication by the Trial Court. The contentions raised by the petitioners cannot appropriately be decided in a petition under Section 482 Cr.P.C. Accordingly, this Court finds no ground to quash the proceedings.

13. However, learned counsel for the petitioners submitted that the petitioner Nos.2 to 7 are senior citizens residing at Vijayawada and that it would cause them hardship to travel to Nuzvid on every date of hearing. Having regard to their age and place of residence, and as their presence on every routine date may not be necessary for the effective progress of the trial, this Court considers it appropriate to dispense with their personal appearance. Such dispensation would not prejudice the prosecution or impede the trial, provided the petitioners are duly represented and comply with any direction of the Trial Court.

14. Accordingly, the personal appearance of petitioner Nos.2 to 7 before the Trial Court is dispensed with on routine dates of hearing, subject to the following conditions:

(i) They shall be represented before the Trial Court by their counsel on every date of hearing, unless their personal appearance is specifically directed.

(ii) They shall not dispute their identity during the course of the proceedings.

(iii) They shall appear before the Trial Court whenever their personal attendance is specifically required for any stage of the proceedings, including examination under Section 313 Cr.P.C., or whenever the Trial Court considers their presence necessary for the proper conduct of the case.

(iv) They shall extend full cooperation for the expeditious disposal of the case and shall not seek unnecessary adjournments. It is made clear that the

Trial Court is at liberty to require the personal appearance of any of petitioner Nos.2 to 7 whenever such appearance is necessary in the interests of justice. This dispensation does not apply to petitioner No.1.

15. **In the result,** and for the foregoing reasons, this Criminal Petition is dismissed, and the personal appearance of petitioner Nos.2 to 7 before the Trial Court is dispensed with, subject to the aforementioned conditions at para No.14.

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

SUNITHA GANDHAM, J

Date:05.11.2026
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THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No. 5136 OF 2023

Date: 05.11.2026

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