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APHC010336672023

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: 4910/2023

Between:

1. DR.C. RANJITH KUMAR, S/O. RAJA MANNAR, AGED 35 YEARS, R/O. 92,BHARATHI STREET, KATHIKAMAN, THOTHANCHAVADI, PUDUCHERY. ALSO AT. E-307, APARNA CYBER COMMUNE, SERLINGAMPALLI, NALLAGANDLA, HYDERABAD

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR THROUGH KURNOOL-II TOWN POLICE STATION, KURNOOL, KURNOOL DISTRICT, HIGH COURT OF ANDHRA PRADESH
2. DR T RAMA DEVI, W/O. C.S.RANJITH KUMAR, AGED ABOUT 32 YEARS, R/O H.NO.4/58-1-1,NEW POSTAL COLONY , KURNOOL TOWN, KURNOOL 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 call for records and quash the charge-sheet in CC No. 2668 of 2021 on the file of the Honble Judicial Magistrate of First Class, Prohibition and Excise, Kurnool arising out of Crime No. 349 of 2017, Kurnool II Town Police Station, Kurnool 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 dispense with the filing of the certified copy of the charge sheet in CC No. 2668 of 2021 on the file of the Hon'ble Judicial Magistrate of First Class, Prohibition and, Excise, Kurnool and copy of the FIR in Crime No. 349 of 2017, Kurnool I Town Police Station, Kurnool, pending disposal of the Criminal Petition as the petitioners herein could not procure the same at the time filing of the accompanying criminal petition 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 grant stay of all further proceedings in CC No.2668 of 2021 on the file of the Honourable Judicial Magistrate of First Class, Prohibition and Excise, Kurnool arising out of Crime No. 349 of 2017, Kurnool II Town Police Station, Kurnool pending disposal of the Criminal Petition and pass

Counsel for the Petitioner/accused:

1. VARUN BYREDDY

Counsel for the Respondent/complainant(S):

1. J JANAKIRAMI REDDY
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CRIMINAL PETITION No. 4910 OF 2023

ORDER

This Criminal Petition is filed by the petitioner to quash the proceedings in C.C. No.2668 of 2021 on the file of the learned Judicial Magistrate of First Class, Prohibition and Excise, Kurnool, arising out of Crime No.349 of 2017 of Kurnool II Town Police Station, registered for the offences punishable under Sections 498-A, 354-D read with Section 34 of the Indian Penal Code, 1860, and Sections 66-D and 67 of the Information Technology Act, 2000.

2. The case of the petitioner is thus:

Respondent No.2 is legally wedded wife of the petitioner, matrimonial disputes arose between them. The petitioner filed a divorce case before the Family Court at Puducherry, while she instituted proceedings for restitution of conjugal rights before the Family Court at Kurnool. In July 2017, certain persons, including one Sridhar, described as a close associate of the petitioner, participated in discussions intended to persuade her to agree to a divorce. On 30.07.2017, the petitioner spoke to her harshly and threatened her with dire consequences if she did not agree to divorce. On 10th and 11th July, 2017, she received messages from a number purportedly used by a person identifying herself as Dr. Haritha, who allegedly asked the complainant to leave the petitioner. From 17.08.2017 onwards, she began receiving repeated calls from unknown numbers. On 18.08.2017, a caller allegedly informed her that her telephone number had been found in an advertisement on the website Locanto. The advertisement contained an indecent description and her telephone number. She subsequently received calls and WhatsApp messages from unknown persons and that, on 19.08.2017, a person named Sreevatsa contacted her through Facebook Messenger and sent an email containing obscene language.

As the advertisement did not contain her name or email address, she suspected that the petitioner, his associate Sridhar, or someone acting at the petitioner's instance, had caused the advertisement to be posted and the subsequent communications to be sent in order to harass her and damage her reputation. She enclosed caller details and a screenshot of the alleged advertisement and requested the police to trace the person responsible.

3. On the basis of the said report, the police registered Crime No.349 of 2017 and undertook investigation. The investigating agency examined the witnesses and after completion of investigation, filed charge-sheet and the same is registered as C.C. No.2668 of 2021 by the learned Judicial Magistrate of First Class, Prohibition and Excise, Kurnool of the offences under Sections 498-A and 354-D read with Section 34 of the Indian Penal Code, 1860, and Sections 66-D and 67 of the Information Technology Act, 2000.

4. The petitioner seeks quashing of the proceedings on the ground that he is no say concerned with the alleged advertisement, telephone calls, WhatsApp messages or emails; the complainant's allegation against him is based only on suspicion arising out of matrimonial disputes; the investigation did not establish any causal link between him and the alleged acts and absolutely there is no material to proceed further.

5. Learned counsel for the petitioner placed reliance on ***Vinti Ramakrishna and Others v. Public Prosecutor, High Court of Hyderabad***[1], and submitted that where the charge-sheet introduces allegations not supported by the first information report or the statements recorded during investigation, continuation of the prosecution would amount to an abuse of process of law. Learned counsel for the second respondent opposed the petition and submitted that the allegations concern the unauthorised publication of an indecent online advertisement using the complainant’s telephone number and the ensuing

[1] 2022 SCC OnLine AP 3516

communications, and that the petitioner's denial of involvement raises matters which cannot appropriately be determined in proceedings under Section 482 Cr.P.C.

6. The point for consideration is whether the allegations in the complaint and the material collected during investigation, taken at face value at this stage, warrant quashing of the proceedings against the petitioner in exercise of the inherent jurisdiction of this Court.

7. The 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 exceptional jurisdiction and is not to be exercised as though this Court were conducting a trial or weighing the sufficiency and reliability of the prosecution evidence. At the same time, where the allegations, even if accepted in their entirety, do not disclose an offence or where the prosecution is manifestly barred by law, interference may be justified. The Court must therefore examine whether the case falls within the recognised categories warranting such exceptional intervention, without embarking upon a meticulous appreciation of evidence.

8. The written report of the second respondent must be considered in its entirety. It does not merely state that an unknown person posted an advertisement and then name the petitioner without any background. The complainant has narrated the subsisting matrimonial dispute, the pending divorce and restitution proceedings, the alleged pressure exerted upon her to agree to divorce, the participation of a person said to be the petitioner's close associate in discussions, and the messages and anonymous calls which preceded the alleged online advertisement. She has then described the advertisement containing her telephone number and indecent content, the calls and WhatsApp messages that followed, and the subsequent Facebook and email communications. On the basis of these circumstances, she expressed suspicion that the petitioner or someone acting at his instance was responsible. Whether

these circumstances are sufficient ultimately to establish the petitioner's participation is a matter for trial. At this stage, the report has to be read along with the charge-sheet and the statements of the witnesses, rather than isolating any one circumstance from the rest.

9. Learned counsel for the petitioner contends that the petitioner has no connection with the advertisement, telephone calls, WhatsApp messages or emails and that the complainant has not furnished direct proof that he posted the advertisement or sent the communications. The petitioner also disputes the existence of a causal link between him and the alleged acts. These submissions raise questions concerning the inference to be drawn from the circumstances and the evidentiary value of the material collected during investigation. The contents of the charge-sheet and the witness statements, read with the report of the second respondent, disclose a prima facie case which requires consideration in the course of trial. At the stage of exercising jurisdiction under Section 482 Cr.P.C., this Court cannot conduct a mini-trial, test the credibility of the witnesses, or decide whether the prosecution will ultimately be able to prove the alleged link between the petitioner and the electronic communications.

10. The reliance placed on **Vinti Ramakrishna (supra)** has been considered. The applicability of that decision depends upon the facts and the material available in the case in which the principle is invoked. In the present case, the report of the second respondent sets out the background to her suspicion and describes the alleged advertisement and subsequent communications, the charge-sheet and the witness statements are also stated to contain material relied upon by the prosecution. On the material presently placed before this Court, it cannot be concluded that the prosecution case is so inherently untenable, or that the alleged deficiencies are so conclusive, that the proceedings must be terminated at the threshold. The petitioner's reliance on the

said decision therefore does not warrant quashing of the proceedings in the circumstances of this case.

11. The Court is conscious that the complainant's report, by itself, records a suspicion regarding the petitioner's role and does not purport to state that she personally witnessed the posting of the advertisement. However, the question in this petition is not whether suspicion alone is sufficient to convict the petitioner. The question is whether, upon consideration of the report together with the charge-sheet and witness statements, continuation of the prosecution is so plainly unwarranted that this Court should exercise its inherent power to quash it. The material collected during investigation, as placed before this Court, discloses a prima facie case. The strength of the circumstantial link, the identity of the person who posted the advertisement, the source and authenticity of the electronic communications, and the petitioner's alleged involvement are matters that must be tested through evidence at trial.

12. The contention that the investigation took more than four years to complete does not, in the circumstances of this case, by itself justify quashing the proceedings. Delay in investigation is a relevant circumstance where it is shown to have caused legally cognisable prejudice or where continuation of the prosecution would otherwise amount to an abuse of process. The petitioner has not established a ground of that nature sufficient to terminate the proceedings at this stage. The petitioner is at liberty to raise before the trial Court all permissible contentions concerning the alleged absence of a link between him and the electronic communications, the identity of the persons who made the calls or sent the messages, the admissibility and reliability of electronic evidence, and the ingredients of the offences charged.

13. The Court reiterates that the observations made herein are confined to the limited issue of whether the prosecution should be quashed at the threshold. The Court has not expressed any opinion on the truth of the allegations or the

ultimate guilt of the petitioner. All contentions raised on behalf of the petitioner shall remain open to be urged before the trial Court at the appropriate stage. The trial Court shall independently assess the evidence, determine whether the ingredients of each offence are established against the petitioner, and decide the case in accordance with law, uninfluenced by any observation made in this order.

14. In the result and for the foregoing reasons, this Criminal Petition is dismissed.

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

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SUNITHA GANDHAM,J

Date: .10.2026
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