Date of reserved for orders : 19-08-2026
Date of pronouncement : 30-10-2026
Date of uploading : 30-10-2026

APHC010356492022

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: 5320/2022

Between:

1. BOPPINEDI SUBRAMANYESHWARA RAO, S/O. VENKATA RATNAM, AGED 73 YEARS, OCC NIL
2. BOPPINEDI JAYASREE, W/O. BOPPINEDI SUBRAMANYESHWARA RAO AGED ABOUT 72 YEARS, OCC HOUSEWIFE BOTH ARE R/O. H NO. 70-14-B14-F-3, SUBASREE RESIDENCY, BANK COLONY ROAD, SIDDARTHA NAGAR, KAKINADA, E. GODAVARI DISTRICT

...PETITIONER/ACCUSED(S)

AND

1. BOPPINEDI CHEENA DEVI PRASANNA, W/O. BOPPINEDI VENKATA KALYAN AGED ABOUT 36 YEARS, OCC NOT KNOWN, R/O. PLOT NO. 239, J.P. APARTMENTS, OLD R.R. PET, VIJAYAWADA, KRISHNA DISTRICT
2. THE STATE OF ANDHRA PRADESH, THROUGH S.H.O., P.S.,I TOWN, VIJAYAWADA REP.BY ITS PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATI.

...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 proceedings in CC.No. 745 of 2021 on the file of the Hon'ble II Additional Chief Metropolitan Magistrate cum Mahila Magistrate, Vijayawada

IA NO: 1 OF 2022

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 of the certified of copy of the CC.No. 745 of 2021 on the file of the Hon'ble II Additional Chief Metropolitan Magistrate cum Mahila Magistrate, Vijayawada

IA NO: 2 OF 2022

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 in CC.No. 745 of 2021 on the file of the Hon'ble II Additional Chief Metropolitan Magistrate cum Mahila Magistrate, Vijayawada

Counsel for the Petitioner/accused(S):

1. N RAVI PRASAD

Counsel for the Respondent/complainant(S):

1. V R MACHAVARAM
2. PUBLIC PROSECUTOR
3. LEGAL AID

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No: 5320 OF 2022

ORDER:

This Criminal Petition is filed by the petitioners/ Accused Nos.4 and 5 to quash the proceedings against them in C.C.No.745 of 2021 on the file of the Court of the II Additional Chief Metropolitan Magistrate-Cum-Mahila Magistrate, Vijayawada, for the offences punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. The case of the petitioners, in brief, is that the marriage of Respondent No.2 that they are parents-in-law of Respondent No.2 and marriage of their son and Respondent No.2 was solemnized on 26.01.2007, thereafter they lived at Hyderabad for some period and subsequently moved to Malaysia and at no point of time, petitioners lived with Accused No.1 and Respondent No.1 and further omnibus allegations leveled against the petitioners as if they instigated Accused No.1 demanding the additional dowry and except the said allegations, there are no specific overt acts attributed against the petitioners. Both petitioners are more than 70 years old and they have been suffering from all types of old aged ailments. Absolutely there is no material to proceed further against the petitioners and continuation of these proceedings is nothing but abused the process of law.

3. Heard Sri N.Ravi Prasad, learned counsel for the petitioners, Sri V.R.Machavaram, learned counsel for the Respondent No.1 and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor for the State.

4. Perused the petition, complaint and material available on record. As seen from the record, respondent No.1 is the legally wedded wife of Accused No.1. Due to disputes, respondent No.1 gave report to the police and the same was registered as a case in Cr.No.666 of 2020. After completion of the investigation, the Investigating Officer laid charge sheet for the offences punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

5. Learned counsel for the petitioners initially argued that, as seen from the material produced by the prosecution, there are two reports said to have been given by respondent No.1, the first report was given to the SHO, Disha Police Station, Kakinada and on the same day, respondent No.1 gave another report to the Station House Officer, II Town Police Station, Vijayawada and the same was registered as a case in Cr.No.666 of 2020, the police also conducted counselling, and the second report was given after a long time. Learned counsel further would argue that the accused No.1 filed a petition in F.C.O.P.No.243 of 2021 seeking dissolution of marriage and at the culmination of enquiry, the same was allowed, dissolving the marriage of accused No.1 with respondent No.1, vide judgment dated 02.01.2026 passed by the Judge, Additional Family Court-cum-XIV Additional District & Sessions Judge, Vijayawada. Learned counsel further argued that respondent No.1 included the names of the petitioners, who are aged about 72 years and 71 years respectively, only to harass them. Learned counsel finally would submit that even the case of the prosecution does not reveal any allegations against the petitioners.

6. On the other hand, learned counsel for respondent No.2 as well as the learned Assistant Public Prosecutor would submit that this is not the stage to consider the contentions of the learned counsel for the petitioners,

specific allegations have been leveled against the petitioners and that the prosecution case clearly reveals the role of both the petitioners.

7. The record reveals that, as on the date of filing of the charge sheet in the year 2020, both the petitioners were aged about 72 years and 71 years respectively and now they are aged about 78 years and 77 years respectively. As per the version of learned counsel for the petitioners, both the petitioners have been suffering from various old-age ailments.

8. Be that as it may, as seen from the record, as rightly argued by the learned counsel for the petitioners, respondent No.1 gave report dated 20.01.2020 to the Station House Officer, Disha Police Station, Kakinada, and on the same day, she also gave another report to the SHO, II Town Police Station, Vijayawada. Further, neither of the reports reveal any attribution or specific overt acts against the petitioners. Even as per the reports and the statements of respondent No.1 and other witnesses recorded under Section 161 Cr.P.C., respondent No.1 and accused No.1 lived together at Hyderabad and thereafter in Malaysia. Even as per respondent No.1 also, on one occasion only, the petitioners went to Hyderabad and there, they demanded for additional dowry.

9. Coming to the second incident, after returning from Malaysia, her maternal uncle did not agree to take her to his house and then sent her to the petitioners' house and they insisted the respondent No.1 go to her parents' house. Except said averments, nothing more is mentioned to attract the ingredients under Section 498-A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act against the petitioners/ accused Nos.2 and 3.

10. The principal contention of the petitioners is that they were not residing with the other accused and respondent No.2 and, therefore, the allegations against them are inherently improbable. In this regard, in ***Abhishek v. State of Madhya Pradesh***[1]***,*** the Hon'ble Supreme Court considered the circumstances in which criminal proceedings against relatives of the husband in matrimonial disputes could amount to an abuse of process. Further, in ***Kahkashan Kausar alias Sonam v. State of Bihar*** [2] , the Hon'ble Supreme Court cautioned in respect of the proceedings against relatives on the basis of general and omnibus allegations where no prima facie case is made out.

11. And, it is to be noted that it is well settled that for the purpose of exercising power under Section 482 Code of Criminal Procedure, to quash FIR or a complaint, the High Court would have to proceed entirely on the basis of the allegations made in the complaint or the documents accompanying the same *per se* and it has no jurisdiction to examine the correctness or otherwise of the allegations. It is also well settled that if the allegations made in the FIR, taken on the face value and accepted in their entirety, do not constitute an offense, the criminal proceedings instituted on the basis of such FIR should be quashed. Further, the power of quashing the criminal proceedings should be exercised very sparingly and with circumspection and that too, in the rarest of rare cases and that the court will not be justified in embarking upon an inquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.

---

[1] (2023) 16 SCC 666,
[2] (2022) 6 SCC 599

12. There can be no dispute with the settled principle that the jurisdiction under Section 482 of the Code of Criminal Procedure 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 investigation to ascertain whether continuation of the proceedings would amount to an abuse of the process of law.

13. The principles laid down in **State of Haryana Vs *Bhajan Lal***[3] also indicate the recognized categories in which the inherent power may be exercised, including cases where the allegations, even if taken at their face value, do not constitute an offence, where the uncontroverted allegations and material collected do not disclose the commission of an offence, or where continuation of the proceedings would otherwise result in abuse of the process of Court. However, the power is not intended to conduct a meticulous appreciation of the evidence or to determine the truthfulness of disputed factual assertions at the stage of considering a petition for quashing.

14. It is equally relevant that the alleged acts relate to matrimonial cruelty and demand for additional dowry. The allegations, if accepted at their face value, are not capable of attracting the ingredients of the offences for which the charge sheet has been filed.

15. 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 fall within the categories warranting exercise of the inherent jurisdiction to quash the proceedings. The allegations and the material

[3] 1992 Supp (1) SCC 335

collected during investigation does not disclose a prima facie case requiring adjudication by the trial Court.

16. **In the result,** this Criminal Petition is allowed, quashing the proceedings against petitioners/ accused Nos.2 and 3 alone in C.C.No.745 of 2021 on the file of II Additional Chief Metropolitan Magistrate-Cum-Mahila Magistrate, Vijayawada, for the offences punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

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

SUNITHA GANDHAM, J

Date: .10.2026
SSA/ knl