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APHC010511462023

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: 7784/2023

Between:

1. NAKKALA NEELAMBRAM, S/O. LATE LOKAIAH, AGED ABOUT 44 YEARS, OCC. A.S.I IN R.P.F R/O. 1217/11, RAILWAY QUARTERS, CHILAKALAGUDA, SEETHAFALMANDI, SECUNDRABAD.
2. NAKKALA RANI,, W/O. ANANDA BABU, (A-5) AGED 43 ABOUT YEARS, OCC. HOUSE WIFE R/O. 6-20, 10TH WARD, MACHAVARAM VILLAGE, PONNUR MANDAL, GUNTUR DISTRICT.
3. NAKKALA CHAITANYA, , W/O. KALIDAS BABU, (A-7) AGED 33 ABOUT YEARS, OCC. I.T EMPLOYEE, R/O. PADMA RAO NAGAR, SECUNDRABAD, NOW AT MONTION CITY, NEW BRUNSWICK, CANADA.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH STATION HOUSE OFFICER, DISHA WOMEN POLICE STATION, GUNTUR, GUNTUR DISTRICT REP.BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P AT AMARAVATHI.
2. NAKKALA RAHIL VANDANA BISKY, W/O. NAKKALA DARWIN, R/O. RAJIV GANDHI NAGAR, GUNTUR CITY, GUNTUR 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 may be pleased to quash the proceedings in C.C. No. 880 of 2023 on the file of V Additional Junior Civil Judge, Guntur, Guntur District, against the petitioners /Accused No.4, 5 and 7 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 to stay all further proceedings including the appearance of the petitioners / Accused No.4, 5 and 7 in C.C. No. 880 of 2023 on the file of the V Additional Junior Civil Judge, Guntur, Guntur District, during the pendency of this criminal petition in the interest of justice and pass such

Counsel for the Petitioner/accused(S):

1. BHASKAR PREM KOUSHIK

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)
2. VENKATA DURGA RAO ANANTHA

The Court made the following:

HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No:7784 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused Nos. 4, 5 and 7 seeking to quash the proceedings in C.C. No. 880 of 2023 on the file of the V Additional Junior Civil Judge, Guntur, Guntur District, for the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The case of the petitioners, in brief is that Petitioner No.1 is the junior paternal uncle, petitioner No.2 is the junior maternal aunt, and petitioner No.3 is the sister of Accused No.1, who is the husband of respondent No.2. Omnibus allegations have been leveled against the petitioners, and no specific overt act has been attributed to them. Petitioner No.1 is working as an Assistant Sub-Inspector in the RPF and is presently posted at Khajipet. Petitioner No.2 is a resident of Machavaram Village, Guntur District. Petitioner No.3 is presently residing in Canada and previously resided in Secunderabad. The petitioners have nothing to do with respondent No.2 or the alleged offence. No specific date or time is mentioned in the statements of witnesses recorded under Section 161 Cr.P.C. or in the charge sheet in relation to the alleged acts of the petitioners. As per the charge sheet, respondent No.2 gave birth to a female child on 11.05.2021 and was treated well until then. Respondent No. 2 is a practising advocate and, with the help of respondent No.1 police, lodged the report. As per the charge sheet, no such incident took place. All the allegations are leveled against the husband of respondent No.2. Neither the FIR nor the charge sheet contains any specific allegation against the petitioners.

3. Heard Sri Prabhunath Vasireddy, learned counsel for the petitioners; Sri K. Chidambaram, learned Senior Counsel appearing for respondent No. 2;

and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor for the State.

4. Learned counsel for the petitioners would initially submit that the petitioners never resided with respondent No.2 and Accused No.1 and are in no way concerned with the alleged offence. As they are relatives of Accused No.1, a false report was lodged by including their names. Learned counsel would further submit that omnibus allegations have been leveled in the FIR and the statements recorded under Section 161 Cr.P.C., without specifying the dates of the alleged acts of cruelty. It is contended that respondent No. 2 lodged a false report only to harass the petitioners, who are close relatives of Accused No. 1.

5. Per contra, learned Senior Counsel would submit that the material clearly discloses a prima facie case involving cognizable offences. This is not the stage at which the contentions of the petitioners are to be considered. The allegations have been leveled against the petitioners, and all their contentions may be raised before the trial Court during trial.

6. As seen from the record, on the basis of the report lodged by respondent No.2, a case in Crime No. 320 of 2022 was registered at Disha Police Station, Guntur. Upon completion of the investigation, the investigating officer filed a charge sheet for the said offences. The petitioners are the junior paternal uncle, junior maternal aunt, and sister of Accused No.1, who is the husband of respondent No.2.

7. The inherent jurisdiction under Section 482 Cr.P.C. is extraordinary and must be exercised sparingly and with due circumspection. However, where the allegations in the FIR, charge sheet, and accompanying material, even if accepted at face value and in their entirety, do not constitute the offences alleged, or where continuation of the proceedings is barred by law, this Court may exercise its inherent jurisdiction to prevent abuse of the process of the Court and to secure the ends of justice.

8. The principal contention of the petitioners is that they were not residing with the other accused or respondent No.2 and that, 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 the husband's relatives 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 against proceedings against relatives based on general and omnibus allegations where no prima facie case is made out.

9. And, it is to be noted that it is well settled that, while exercising its power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint, the High Court must proceed on the basis of the allegations made in the complaint and the documents accompanying it, taken at face value, and has no jurisdiction to examine the correctness of those allegations. It is also well settled that, if the allegations made in the FIR, taken at face value and accepted in their entirety, do not constitute an offence, the criminal proceedings instituted on the basis of such FIR should be quashed. Further, the power to quash criminal proceedings should be exercised very sparingly and with circumspection, and only in rare cases. The Court is not justified in embarking upon an inquiry into the reliability or genuineness of the allegations made in the FIR or complaint. The extraordinary or inherent powers do not confer arbitrary jurisdiction on the Court to act according to its whims or caprice.

10. There can be no dispute regarding 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 the

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

investigation to ascertain whether continuation of the proceedings would amount to an abuse of the process of law.

11. The principles laid down in ***State of Haryana v. Bhajan Lal***[3], also indicate 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 result in an abuse of the process of the Court. However, this power is not intended to facilitate a meticulous appreciation of the evidence or to determine the truthfulness of disputed factual assertions at the stage of considering a petition for quashing.

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

13. The petitioners are the junior paternal uncle, junior maternal aunt and sister-in-law of accused No.1, who is the husband of respondent No.2. Admittedly, petitioner No.1 is working as an ASP in the CRPF and resides at Secunderabad, in the State of Telangana. There are specific allegations against petitioner Nos.2 and 3, who are the junior maternal aunt and sister-in-law of respondent No.2, respectively. However, insofar as the allegations against petitioner No.1 are concerned, it is merely stated in the statement of respondent No.2 recorded under Section 161 Cr.P.C. that petitioner No.1 also demanded dowry and that, when her parents came to settle the issues, petitioner No.1 joined hands with the other accused and sent respondent No. 2's parents away. Apart from these allegations, nothing is stated to attract the ingredients of the offences punishable under Sections 498-A and 506 IPC and

[3] 1992 Supp (1) SCC 335

Sections 3 and 4 of the Dowry Prohibition Act, 1961. The report contains specific allegations against petitioner Nos.2 and 3. However, except for a vague allegation that respondent No.2 was threatened, there is no specific overt act or allegation against petitioner No.1.

14. A perusal of the material on record reveals that the contentions raised by the petitioners in respect of petitioner Nos.2 and 3 cannot be considered in this petition seeking to quash the proceedings against them. However, insofar as petitioner No.1 is concerned, as rightly argued by the learned counsel for the petitioners, there is no material to proceed against him. Therefore, continuation of the proceedings against petitioner No.1 would amount to an abuse of the process of law.

15. **In the result,** this Criminal Petition is allowed in part, and the proceedings against petitioner No.1/accused No. 4 in C.C. No. 880 of 2023 on the file of the V Additional Junior Civil Judge, Guntur, Guntur District, for the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, are hereby quashed, and in respect of the petitioner Nos. 2 and 3/accused Nos. 5 and 7, the Criminal Petition is dismissed.

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

SUNITHA GANDHAM, J

Date:30.10.2026
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