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APHC010513222023

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

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 7841/2023

Between:

1. R.DALI, W/O. KUMAR.A, AGED ABOUT 29 YEARS, HINDU, HOUSE WIFE.
2. ARGONDA KUMAR., S/O LATE A.RAJANNA, AGED ABOUT 39 YEARS, HINDU, OCCU. PRIVATE EMPLOYEE. (PETITIONERS 1 AND 2 RESIDING AT HOUSE NO. 22/6 FIRST FLOOR, BANASHANKARI 3RD PHASE, ITTAMADU, KUVEMPU NAGAR, 32ND CROSS, BANGALORE - 560 085, KARNATAKA DISTRICT.)

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A P AMARAVATI.
2. G YASWANTHI, W/O. P.JAGADEESH. AGED 24 YEARS, R/O. GANGARAPU INDLU VILLAGE, H/ O.GADDAMVARIPALLI, PULICHERLA MANDAL, CHITTOOR DISTRICT, MOBLIE NO.9108846919.

...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-, QUASH the proceedings in C.C. No. 33/2023 pending on the file of the Honourable Court of Judicial

First Class Magistrate, Pakala in Crime No.21 of 2023 Dated 27-02-2023 of Kallur P.S. Chittoor District, 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 may be pleased to grant STAY of all further proceedings including the personal. appearance in the proceedings in C.C. No. 33/2023 pending on the/ file of the Honourable Court of Judicial First Class Magistrate, Pakala in Crime No.21 of 2023 Dated 27-02-2023 of Kallur P. S. Chittoor / District, pending disposal of the Criminal Petition before this Honourable Court and pass such

Counsel for the Petitioner/accused(S):

1. ROSEDAR S.R.A

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 7841/2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused Nos.4 and 5 to quash the proceedings against them in C.C. No.33 of 2023 on the file of the learned Judicial Magistrate of First Class, Pakala, for the offences punishable under Section 498-A of the Indian Penal Code, 1860 (hereinafter referred to as "the IPC") and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (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 have no connection with the allegations made against them, they neither subjected respondent No.2 to cruelty nor demanded any additional dowry and the allegations are general and omnibus in nature. They further contend that they are residing at Bhimavaram, whereas, respondent No.2 and accused No.1 were residing at Bengaluru, no material is available against them and that the ingredients of the offences punishable under Section 498-A of the IPC and Sections 3 and 4 of the Act are not made out against them.

3. Heard Sri Rosedar S.R.A., 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 submit that the allegations against the petitioners are general and omnibus in nature and that no specific allegation or overt act is 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 permitting the proceedings to continue against them would amount to an abuse of the process of the Court and husband of sister-in-law does not come under the purview of relative.

5. Learned Assistant Public Prosecutor submitted that the material collected during the investigation discloses the involvement of the petitioners and that the truthfulness or otherwise of the allegations cannot be examined by this Court while exercising its inherent jurisdiction at this stage.

6. As seen from the record, basing on the report of respondent No.2, a case in Crime No.21 of 2023 was registered for the offences punishable under Section 498-A of the IPC and Sections 3 and 4 of the Act, against the petitioners and accused Nos.1 to 3 and after completion of investigation, the investigating officer laid charge sheet for the said offences. The allegations against the petitioners are in general terms, that they also joined hands with the other accused..

7. A perusal of the report of 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. No specific date or place is mentioned, nor is any particular act of cruelty, physical assault or demand for dowry attributed to either petitioner. Added to it, as seen from the rental agreements, election voter card, aadhar cards, the petitioners were residing separately at #40, Siddhartha layout, Kattriguppe Main Road, Bengaluru. Separate residence, by itself, would not absolve a relative of criminal liability where specific acts are alleged. However, in the present case, the fact that the petitioners were residing separately, coupled with the absence of specific allegations and material disclosing the individual role of either petitioner, is relevant in determining whether a prima facie case is made out against them.

8. In this regard, it is relevant to refer to the judgment of the Hon'ble Supreme Court in ***Dara Lakshmi Narayana and others v. State of Telangana and another***[1], wherein the 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 making specific allegations indicating their

[1] 2024 SCC OnLine SC 953

active involvement, cannot form the basis for criminal prosecution. General and sweeping accusations, unsupported by concrete material or particularised allegations, do not justify the continuation of criminal proceedings.

9. 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 individual role, should not result in such relatives being compelled to undergo the ordeal of a criminal trial. The Court has to examine whether the allegations disclose the ingredients of the offences against each accused, rather than permitting the prosecution to continue merely because the accused are related to the husband.

10. Learned counsel for the petitioners has also relied upon the judgment of the Hon'ble Supreme Court in ***Geddam Jhansi and another v. State of Telangana and others***[4]. In the said decision, the Hon'ble Supreme Court considered the effect of bald allegations against relatives who were residing separately from the husband and wife and against whom no specific role was attributed. The principle laid down therein is relevant to the facts of the present case.

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. The prosecution material must nevertheless be independently considered. 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

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

in general terms, without particulars indicating 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 2 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 show that either petitioner subjected respondent No.2 to cruelty within the meaning of Section 498-A of the IPC or demanded dowry from her within the meaning of Section 4 of the Act. The material placed before this Court,

[5] 1992 Supp (1) SCC 335

including the material referred to in the charge sheet, does not disclose any specific act attributable to either petitioner that would satisfy the ingredients of the alleged offences. Further, there is no specific allegation or material indicating that either petitioner gave, took or abetted the giving or taking of dowry so as to attract Section 3 of the Act. 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 other accused. 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 this is a fit case for exercise of the inherent jurisdiction.

14**.** **In the result,** for the foregoing reasons, this Criminal Petition is allowed, quashing the proceedings against the petitioners/ accused Nos.4 and 5 alone in C.C. No.33 of 2023 on the file of the learned Judicial Magistrate of First Class, Pakala, for the offences punishable under Section 498-A of the Indian Penal Code, 1860, and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The proceedings against the other accused shall continue in accordance with law.

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

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SUNITHA GANDHAM, J.

Date: 10.11.2026
SSA/knl