APHC010533992023

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

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 8229/2023

Between:

1. MULLAGURISANATH, S/O BHASKAR, AGED ABOUT 31 YEARS, OCC. PRIVATE EMPLOYEE, R/O DILSUKHNAGAR, HYDERABAD, TELEPGANA STATE

2. PUTHUMBAKUPARANDHAMA NAIDU,, S/O P VENKATASUBBAIAH, AGED ABOUT 73 YEARS, OCE. RETD EMPLOYEE, R/O 3RD FLOOR, FLAT NO B4, SWARNA RESIDENCY, CURRENCY NAGAR, RAMAVARAPPADU RING, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH.

3. PUTHUMBAKUTHULASI,, W/O PARANDHAMA NAIDU, AGED ABOUT 63 YEARS, OCC. HOUSE WIFE, R/O 3RD FLOOR, FLAT NO B4, SWARNA RESIDENCY, CURRENCY NAGAR, RAMAVARAPPADU RING, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR HIGH COURT OF A.P. AT AMARAVATI

2. D SANDHYA RANI, W/O LATE THARUN, AGED ABOUT 30 YEARS, OCC. HOUSE WIFE, R/O CHINNAMPALLI VILLAGE, TADIPATRI MANDAL,

...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 call for the records in CC No 1556 of 2022 on the file of the Judicial Magistrate of First Class, Tadipatri, Anantapuram District, Andhra Pradesh and the same may be quashed as the same is illegal, arbitrary and abuse of process of law 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 grant stay of 2131 further proceedings including the appearance of the petitioners in CC No 1556 of 2022 on the file of the Judicial Magistrate of First Class, Tadipatri, Anantapuram District, Andhra Pradesh pending disposal of the above Crl.P. and pass

Counsel for the Petitioner/accused(S):

1. TURAGA SAI SURYA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No.8229 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/ accused Nos.2 to 4 to quash the proceedings against them in C.C. No.1556 of 2022 on the file of the learned Judicial Magistrate of First Class, Tadipatri, Anantapuramu District, for the offences punishable under Sections 498-A and 354-A read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to 'IPC').

2. The case of the petitioners is that they are not concerned with the allegations made by respondent No.2; respondent No.2 never resided with them; petitioner No.1 is a resident of Hyderabad; petitioner Nos.2 and 3 are senior citizens and that, after the death of their son, they took care of respondent No.2, the only allegation against petitioner Nos.2 and 3 is that they supported accused No.1, while a vague and omnibus allegation of misbehaviour is made against petitioner No.1, who never resided with respondent No.2 and therefore, continuation of the proceedings against them would amount to an abuse of the process of the Court.

3. The prosecution case, in brief, is that the husband of respondent No.2 died in an accident and thereafter, respondent No.2 resided with petitioner Nos.2 and 3 and accused No.1, who is the elder brother of her deceased husband, accused No.1 had obtained divorce from his wife and behaved indecently with respondent No.2, harassed her by asking her to come and live with him, and outraged her modesty, and though respondent No.2 informed petitioner Nos.2 and 3 about the conduct of accused No.1, they did not take any action and instead of supported him. It is further alleged that petitioner No.1, who is a cousin of her husband, also misbehaved with her, on account of which she left her matrimonial home.

4. Heard Sri T.Sai Surya, learned counsel for the petitioners, and Smt. K.Priyaka Lakshmi, learned Assistant Public Prosecutor. Though notice was served on respondent No. 2, she remained absent.

5. Learned counsel for the petitioners would argue that neither petitioner No.1 nor petitioner Nos.2 and 3 resided with respondent No.2, respondent No.2 has remarried and is living with her second husband, the petitioners are not concerned with the allegations and the only allegation against petitioner Nos.2 and 3 is that they supported accused No.1, the allegation of misbehaviour against petitioner No.1 is also vague and does not disclose any specific act constituting an offence.

6. Per contra, learned Assistant Public Prosecutor submits that the contentions raised by the learned counsel for the petitioners have to be considered during trial, an allegation of misbehaviour is made against petitioner No.1 and that specific allegations are also made against the petitioners and therefore, the learned Assistant Public Prosecutor seeks dismissal of the Criminal Petition.

7. As seen from the record, basing on the report of the respondent No.2, a case in Crime No.441 of 2021 is registered for the offences punishable under Sections 498-A and 354-A read with Section 34 IPC, and after completion of investigation, the investigating officer filed charge sheet for the offences stated supra against the petitioners and accused No.1. Admittedly, the husband of respondent No.2 died in an accident, accused No.1 is the elder brother of her deceased husband, petitioner No.1 is his cousin, and petitioner Nos.2 and 3 are his parents. The record shows that petitioner No.1 is a resident of Hyderabad and that petitioner Nos.2 and 3 are senior citizens and are aged about 73 and 63 years, respectively. The allegations against petitioner Nos. 2 and 3 are that they supported accused No.1. Except for this general assertion, no specific overt act is attributed to them. The material placed before this Court does not disclose the nature of the alleged harassment by

these petitioners, or any specific conduct on their part amounting to cruelty within the meaning of Section 498-A IPC. There is also no specific allegation that they subjected respondent No.2 to physical or mental cruelty of the nature contemplated by that provision, or harassed her in connection with any unlawful demand. The allegations concerning the alleged harassment and outraging of modesty are principally directed against accused No.1. Mere relationship with the deceased husband and a general allegation that the petitioners supported accused No.1, without particulars of their individual acts, would not by themselves establish the ingredients of the offences alleged against them.

8. Though an allegation is made against petitioner No.1 that he also misbehaved with respondent No. 2, the allegation, as reflected in the material placed before this Court, is not supported by particulars indicating the nature of the alleged conduct, the time or manner in which it occurred, or the specific act said to constitute an offence under Section 354-A IPC. A mere general allegation of misbehaviour, without disclosing the essential ingredients of the offence, is insufficient to require petitioner No.1 to face a criminal trial. Likewise, the allegations against petitioner Nos.2 and 3 do not disclose any specific act attracting the alleged offences. In this regard, learned counsel for the petitioners relied upon the judgment in ***Kahkashan Kausar v. State of Bihar and others***[1], wherein having considered the decisions in ***Geeta Mehrotra v. State of Uttar Pradesh***[2], and ***Preeti Gupta v. State of Jharkhand***[3]***,*** the Hon'ble Supreme Court reiterated that general and omnibus allegations, without specific allegations or particulars attributing a role to the individual accused, cannot ordinarily be the basis for compelling relatives of the husband to undergo a criminal trial and further, cautioned against allowing criminal proceedings to continue against relatives merely on the basis of vague and sweeping allegations.

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[1](2022) 6 SCC 599
[2](2012) 10 SCC 741
[3](2010) 7 SCC 667

9. It is well settled that, while exercising inherent jurisdiction under Section 482 Cr.P.C., this Court has to consider the allegations in the complaint/FIR and the material accompanying the same 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 essential ingredients of the alleged offences against a particular accused, continuation of the criminal proceedings would amount to an abuse of the process of law. The Hon'ble Supreme Court in ***State of Haryana and others v. Bhajan Lal and others***[4], 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 reach a conclusion that there is sufficient ground for proceeding 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. The said power, however, has to be exercised sparingly, with circumspection and only when the circumstances warrant such intervention.

10. Having regard to the allegations in the charge sheet and the material placed before this Court, this Court is of the considered view that the case of the petitioners falls within the categories warranting exercise of the inherent jurisdiction. The allegations against petitioner Nos.2 and 3 are general in nature and do not attribute any specific act constituting cruelty under Section 498-A IPC. Similarly, the allegation against petitioner No.1 does not contain the necessary particulars to disclose the ingredients of an offence under Section 354-A IPC. Continuation of the proceedings against the petitioners, in

[4]1992 Supp(1) SCC 335

these circumstances, would serve no useful purpose and would amount to an abuse of the process of the Court. This finding is confined to the petitioners herein and shall not affect the proceedings against accused No. 1.

11. **In the result** and for the foregoing reasons, this Criminal Petition is allowed, quashing the proceedings against the petitioners/ accused Nos.2 to 4 alone in C.C. No.1556 of 2022 on the file of learned Judicial Magistrate of First Class, Tadipatri, Anantapuramu District, for the offences punishable under Sections 498-A and 354-A read with Section 34 IPC. The proceedings against the other accused shall continue in accordance with law.

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

SUNITHA GANDHAM, J

Date:03.11.2026
EV/ knl