HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No. 8747 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner/ accused No.1 to quash the proceedings against him in C.C. No.175 of 2021 on the file of the learned Additional Junior Civil Judge, Tenali, for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. **The Case of the petitioner is thus:**

Petitioner/accused No.1 married respondent No.2, without taking any dowry, as she is good looking and acquired graduation. At the time of marriage, petitioner/accused No.1 was residing in Denmark as he was working there by then. Respondent No.2 agreed for the marriage at the instance of her parents as the petitioner is working as an employee in Denmark and in fact, she is not interested to marry the petitioner. Respondent No.2 refused to join the petitioner by saying that she does not like the marriage and she is interested to get divorce. Respondent No.2 never signed the papers for submission of Visa. Petitioner requested respondent No.2 to join him in Denmark, but she failed to do so. Respondent No.2 was in the habit of calling the petitioner during night hours and propagating that he has not been talking with her and not responding. The mediators referred by respondent No.2 i.e., Shivaji and Prabhanjan also advised respondent No.2 to join the petitioner, but she failed to join him. Having colluded with respondent No.2, the investigating officer has collected the entries of his passport so as to create alleged date of offence. Except respondent No.2, none of the witnesses supported the version of prosecution. Parents of the respondent No.2 made propaganda that the petitioner had no job and is impotent, whereas, respondent No.2 filed petitions seeking divorce stating that she lead happy marital life for one month. Respondent No.2 herself voluntarily deserted the

petitioner and left the matrimonial house, absolutely there is no material to proceed further.

3. Case of the prosecution is thus:

At the time of marriage, parents of respondent No.2 have given dowry, immediately after marriage, she joined the petitioner and lead happy marital life for one month and thereafter, petitioner went to Denmark to attend his job and subsequently, he did not make phone calls to respondent No.2, not returned to India, and whenever he come to Gudavali, petitioner did not inform to respondent No.2, and on one occasion, upon coming to know the arrival of the petitioner, respondent No.2 went to her parents-in-law's house and then, the petitioner and his family members demanded additional dowry of Rs.15,00,000/-, abused respondent No.2 and her parents and also harassed respondent No.2 physically and mentally.

4. Heard Sri. N. Ravi Prasad, learned counsel for the petitioner and Ms. K.Priyanka Lakshmi, learned Assistant Public Prosecutor. Having received notice respondent No.2 remained absent.

5. Learned counsel for the petitioner would argue that the marriage took place in the year 2017, they lead marital life for only one month and thereafter, petitioner went to Denmark and then, he requested respondent No.2 to come to Denmark, but she failed to do the same, respondent No.2 had not interested to continue her marital life with the petitioner and as such, she filed a petition in H.M.O.P.No.274 of 2022 and obtained ex-parte decree dated 20.04.2023, whereby, the learned Additional Civil Judge (Senior Division), Tenali dissolved the marriage of the petitioner and respondent No.2. Further, respondent No.2 also filed another petition in D.V.C.No.38 of 2020 and the same is dismissed for non-prosecution vide order dated 11.08.2023. Respondent No.2 was in the habit of suspecting the petitioner, she has not at

all interested to lead marital life, and learned counsel for the petitioner relied upon the following judgments:

i. ***Mange Ram vs State Of Madhya Pradesh***[1]
ii. ***State of Andhra Pradesh vs M. Madhusudha Rao***[2]***,***
iii. ***Navneesh Aggarwal and others vs State of Haryana and another***[3]***.***

6. Per contra, the learned Assistant Public Prosecutor would argue that this is not the stage to consider the contentions of the learned counsel for the petitioner, specific allegations are leveled against the petitioner and there is material to proceed further.

7. As seen from the record, basing on the report of the respondent No.2, a case in Crime No.145 of 2020 is registered of the offences under Section 498A of the Code and Sections 3 and 4 of the Act, against the petitioner, his parents and sister-in-law and after completion of investigation, investigating officer laid charge sheet of the said offences against the petitioner and three others alleging that the marriage between the petitioner and respondent No.2 was solemnised on 01.12.2017, they lived together for about one month and thereafter, petitioner went to Denmark to attend his job and subsequently, he did not make phone calls to respondent No.2, not returned to India and on 24.12.2019, when the petitioner came to his parent's house at Gudavali, respondent No.2 went there and then, petitioner and his family members demanded additional dowry of Rs.15,00,000/-, abused her and also harassed her physically and mentally. Section 498-A IPC covers two forms of cruelty. The first is willful conduct of such a nature as is likely to drive a woman to commit suicide or to cause grave injury or danger to her life, limb or health, whether mental or physical. The second is harassment with a view to coercing

[1]2025 INSC 962
[2](2008) 15 SCC 582
[3]2025 SCC Online SC 1680

her or a person related to her to meet an unlawful demand for property or valuable security, or harassment on account of failure to meet such a demand.

8. Learned counsel for the petitioner would argue that assuming for the sake of arguments, on 24.12.2019, respondent No.2 went to the house of the petitioner and his parents at Gudavalli and then, they demanded additional dowry and harassed the respondent No.2 also, she gave report after lapse of six months i.e., on 28.05.2020 and had really any such incident is taken place on 24.12.2019, respondent No.2 should have been given report immediately. The delay in lodging the report, by itself, is not a ground to quash the proceedings, however, it is a circumstance that may be considered along with the nature and particulars of the allegations and the other material collected during the investigation. As rightly argued by the learned counsel for the petitioner, omnibus allegation of demand of additional dowry of Rs.15,00,000/- is only mentioned and neither report nor 161 Cr.P.C statements reveal any subsequent harassment said to have been caused by the petitioner and his parents. The material referred to in the record does not disclose specific particulars of any subsequent incident of cruelty or harassment by the petitioner. The allegations concerning the petitioner's alleged marriage to another woman and his alleged residence in Kerala are also not supported by material identified in the charge sheet, as described in the record before this Court.

9. In the judgment relied upon by the learned counsel for the petitioner in ***Mange Ram (supra),*** the Hon'ble Supreme Court, while exercising its power under Article 142 of the Constitution of India in the circumstances of that case, quashed proceedings under Section 498-A of the Code after taking note of the dissolution of the marriage and the absence of specific and proximate allegations. The decision does not confer a power under Article 142 on this Court; however, the principles discussed therein may be relevant while

examining whether continuation of proceedings would amount to an abuse of process.

10. Further, in ***Navneesh Aggarwal*** (supra), the Hon'ble Supreme Court reiterated that criminal proceedings arising out of matrimonial disputes should not be allowed to continue against persons where the allegations lack specific particulars and the material does not disclose their involvement. The Hon'ble Apex Court also discussed cases in which proceedings arising from matrimonial discord were quashed after the marriage had ended. The facts and the applicable legal principles must, however, be examined in each case on their own merits.

11. And, in ***M. Madhusudha Rao*** (supra), the Hon'ble Supreme Court explained that, for the purposes of Section 498-A IPC, harassment simpliciter is not sufficient under clause (b) of the Explanation and the harassment must be with a view to coercing the woman or a person related to her to meet an unlawful demand for property or valuable security, or must be on account of failure to meet such a demand.

12. This Court is conscious that, at the stage of considering a petition for quashing, it must not conduct mini trial or undertake a detailed assessment of the reliability of witnesses. The prosecution material must ordinarily be taken at face value. At the same time, the Court is required to consider whether the uncontroverted allegations and the material collected disclose the ingredients of the alleged offences, and whether continuation of the proceedings would amount to an abuse of the process of law.

13. In ***Mahmood Ali v. State of Uttar Pradesh***[4], the Hon'ble Supreme Court emphasised that the Court may consider the circumstances emerging from the record while deciding a petition for quashing. The principles stated in

[4] 2023 INSC 684

State of Haryana v. Bhajan Lal[5], also recognise that inherent jurisdiction may be exercised, among other cases, where the allegations, even if accepted at face value, do not constitute an offence, or where the uncontroverted allegations and the material collected do not disclose the commission of an offence. This power must be exercised sparingly and with circumspection.

14. Record further reveals that after giving report to the police, respondent No.2 filed a petition in H.M.O.P.No.274 of 2022, seeking dissolution of marriage, the same is not contested by respondent No.2 and accordingly, a decree of divorce is granted vide order dated 20.04.2023 by dissolving the marriage of the petitioner and respondent No.2, and respondent No.2 also filed another petition in D.V.C.No.38 of 2020, alleging violence against the petitioner and others and the same is dismissed for non-prosecution. In the present case at hand also, having received notice respondent No.2 remained absent. These orders are passed by the competent Court and may be considered as undisputed documents for the limited purpose of understanding the procedural history between the parties.

15. On an overall consideration of the material placed before this Court, the allegations against the petitioner are general in nature and the record, as presented, does not disclose sufficient particulars of the alleged cruelty or harassment beyond the stated demand for additional dowry on the occasion referred to above. The absence of particulars of further incidents, the nature of the material collected during investigation and the surrounding circumstances, considered together, lead this Court to conclude that the material in this case does not disclose a prima facie case warranting continuation of the prosecution against the petitioner. This conclusion is confined to the material and circumstances of the present case and is not based merely on the fact that the parties have obtained a divorce.

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[5] AIR 1992 SC 604

16. For the foregoing reasons, this Court is of the considered view that continuation of the proceedings against the petitioner/Accused No.1 would amount to an abuse of the process of the Court.

17. **In the result**, this Criminal Petition is allowed, quashing the proceedings against the petitioner/ accused No.1 alone in C.C. No.175 of 2021, on the file of the learned Additional Junior Civil Judge, Tenali, for the offences punishable under Section 498-A of the Code and Sections 3 and 4 of the Act.

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

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SUNITHA GANDHAM, J

Date: 03.11.2026
MMK/ knl

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