APHC010641422023

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

SATURDAY, THE 21ST DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 10070/2023

Between:

1. SRI KOPPISETTY DURGA ESHWAR SATTIBABU, SRI KOPPISETTY DURGA ESHWAR SATTIBABU S/O.VENKATARAMANA, AGED 37 YEARS, OCC- CONSTABLE, R/O. SRINAGAR, 4TH STREET, MANDAPETA TOWN, EAST GODAVARI DISTRICT - 533 308.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, DISHA WOMEN POLICE STATION, VISHAKAPATNAM, REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATI.
2. SMT KOPPISETTYI SYAMAFA, W/O.KOPPISETTI PHANI KUMAR, AGED ABOUT 22 YEARS, OCC-HOUSEWIFE, R/O.D.NO.21225/14, MANI CASTLE, 0PP. AIRPORT, VISHAKAPATNAM.

...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 Courtpleased to stay of all further proceedings in C.C. No. 1743 of 2022 on the file of the Hon'ble JFCM, Anaparthi pending disposal of the Criminal Proceeding including appearance of the petitioners 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 pleased to dispense with the filing of the certified copy of the charge sheet in C.C. No. 1743 of 2022 on the file of the Hon'ble JFCM, Anaparthi and to pass

IA NO: 2 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 pleased to stay of all further proceedings in C.C. No. 1743 of 2022 on the file of the Hon'ble JFCM, Anaparthi pending disposal of the Criminal Proceeding including appearance of the petitioners and pass

Counsel for the Petitioner/accused:

1. VENKATESWARLU SANISETTY

Counsel for the Respondent/complainant(S):

1. BODAPATI VAMSI KRISHNA
2. PUBLIC PROSECUTOR (AP)
3. LEGAL AID

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 10070/2023

ORDER:

This Criminal Petition is filed by the petitioner/Accused No.4 seeking to quash the proceedings against him in C.C.No.1743 of 2022 on the file of the learned Judicial Magistrate of First Class, Anaparthi, for the offences punishable under Section 498-A read with Section 34 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 petitioner is that he is the elder brother of accused No.1 and that he never resided with accused No.1 and respondent No.2, he is not concerned in any manner with the alleged harassment or cruelty, accused No.1 is working as a Home Guard at Kapileswarapuram Village, whereas, the petitioner is residing at Mandapeta, there was no occasion for him to reside with accused No.1 and respondent No.2, in the absence of any specific allegation against him, continuation of the proceedings would amount to an abuse of the process of the Court.

3. Heard Sri Venkateswarlu Sanisetty, learned counsel for the petitioner, Sri D. Teja, learned Legal Aid counsel, and Smt. K. Priyaka Lakshmi, learned Assistant Public Prosecutor.

4. Perused the material available on record.

5. As seen from the record, basing on the report of the respondent No.2, a case in Crime No.192 of 2022 was registered for the offences stated *supra* and after completion of investigation, the investigating officer laid charge sheet for the said offences against the petitioner and five others. On a perusal of the report and the statements of respondent No.2 and the other witnesses recorded under Section 161 Cr.P.C., it is evident that, except for a general

statement that the petitioner and others supported accused No.1, no specific act of cruelty, harassment or demand for additional dowry is attributed to the petitioner. The report of respondent No.2, on the other hand, specifically refers to the conduct of accused No.1, stating that he was addicted to vices, subjected respondent No.2 to mental and physical harassment and drove her out of the matrimonial house on 14.07.2022. However, the material referred to above does not disclose any specific act in which the petitioner participated.

6. 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]. The Hon'ble Supreme Court reiterated that, in cases arising out of matrimonial disputes, the mere inclusion of the names of the husband's relatives, without specific allegations indicating their individual involvement, would not by itself justify their prosecution, and general and sweeping allegations, unsupported by specific particulars or material, cannot be the sole basis for compelling such relatives to face a criminal trial and further held that the allegations against each accused must therefore be examined with reference to the role attributed to that accused.

7. The principles laid down by the Hon'ble Supreme Court in ***Geeta Mehrotra and another v. State of Uttar Pradesh***[2] are also relevant. The Hon'ble Supreme Court cautioned against allowing criminal proceedings to continue against the relatives of the husband on the basis of vague and omnibus allegations, without any specific role being attributed to them. So, the Court must examine whether the allegations and the material on record disclose the ingredients of the alleged offences against the particular accused. Mere relationship with the husband cannot be a substitute for the necessary allegations constituting an offence.

---

[1] 2024 SCC OnLine SC 953
[2] (2012) 10 SCC 741

8. It is well settled that, while exercising its inherent jurisdiction under Section 482 Cr.P.C., this Court must consider the allegations in the complaint/FIR and the material collected during the investigation on their face value. The Court is not expected to conduct a detailed enquiry into the truthfulness of the allegations or to appreciate the evidence as would be done at the stage of trial. At the same time, where the allegations, even if accepted in their entirety, do not prima facie constitute an offence against a particular accused, or where the material collected does not disclose the essential ingredients of the alleged offence, the Court may exercise its inherent jurisdiction to prevent abuse of the process of law. In ***State of Haryana and others v. Bhajan Lal and others***[3], the Hon'ble Supreme Court illustrated the categories of cases in which such 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. The power under Section 482 Cr.P.C. is extraordinary and must be exercised sparingly, with circumspection, and only when the facts of the case warrant such intervention.

9. In the present case, the allegations against the petitioner are general in nature. No specific incident, date, conduct or demand is attributed to him. Section 498-A IPC requires allegations which, if accepted, disclose that the woman was subjected to cruelty as defined in that provision. The material placed before this Court does not disclose any specific conduct on the part of the petitioner which would satisfy either limb of the definition of cruelty under Section 498-A IPC. The allegation that the petitioner and others supported

[3] 1992 Supp (1) SCC 335

accused No.1, without further particulars as to the nature of such support or the acts performed by the petitioner, is insufficient, by itself, to constitute the offence against him. So far as Section 4 of the Act is concerned, there is no specific allegation that the petitioner demanded dowry, either directly or through any other person. The material also does not disclose any act attributable to him which would attract Section 3 of the Act, which penalises the giving or taking of dowry or the abetment thereof. Thus, the essential ingredients of the offences under Sections 3 and 4 of the Act are also not made out against the petitioner, even if the allegations are taken at their face value. The petitioner is stated to be residing at Mandapeta, while accused No.1 was working as a Home Guard at Kapileswarapuram Village. The petitioner’s contention that he did not reside with accused No.1 and respondent No.2 is a relevant circumstance in the context of the allegations made. However, the decision in this petition does not rest merely on separate residence. It rests on the absence of specific allegations and material disclosing the petitioner's participation in the alleged acts or the ingredients of the offences charged against him. The material, as placed before this Court, does not justify requiring the petitioner to face a criminal trial merely because he is the brother of accused No.1. This Court is not expressing any opinion on the allegations against the other accused, which shall be considered independently in accordance with law. Having regard to the nature of the allegations and the material collected during the investigation, this Court is satisfied that continuation of the proceedings against the petitioner would amount to an abuse of the process of the Court and therefore, this is a fit case to exercise the inherent jurisdiction under Section 482 Cr.P.C.

10. ***In the result***, and for the foregoing reasons, this Criminal Petition is allowed and the proceedings against the petitioner/Accused No.4 alone in C.C.No.1743 of 2022 on the file of the learned Judicial Magistrate of First Class, Anaparthi, for the offences punishable under Section 498-A read with Section 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, are

hereby quashed. It is made clear that this order relates only to the petitioner/Accused No.4 and shall not affect the proceedings against the other accused. The observations made in this order are confined to the consideration of the case of the petitioner and shall not influence the trial or any other proceedings against the remaining accused.

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

_____

SUNITHA GANDHAM, J.

Date: 21.11.2026
SCS

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 10070/2023

Date: 21.11.2026

SCS