IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY,THE TENTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 12314 OF 2023

Between:

Vijay Kumar Gurramkonda, S/o. V. Ramanaiah Gurramkonda, Age. 46 Years, Occ. IT Job, Caste. Balija R/o. H. No. 7-1-543, Laasya-107, Poojitha Estate, Sunder Nagar, SR Nagar (PO),Hyderabad - 18, Telangana State.

...PETITIONER

AND

1. The State of Telangana, WPS, CCS, DD, Hyderabad, Represented by Public Prosecutor High Court, Hyderabad.

...RESPONDENT/COMPLAINANT

2. Sandeep Pattern, S/o. Rajeshwara Rao Pattem, Age. 43 Years, Occ. Business, R/o. 6-1-133/A, Swatantara Colony, Padma Rao Nagar, Secunderabad.

...RESPONDENT/DEFACTO COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings against petitioner/accused, proceedings initiated under CC 8604 of 2023 pending on the file of XIII Additional Chief Metropolitan Magistrate, Mahila Court, Manoranjan Complex, Nampally, Hyderabad.

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to permit the Petitioner to leave for USA in the third week of December, 2023 and return back in the second week of January, 2024, pending disposal of the main criminal petitioner.

I.A. NO: 2 OF 2023

Petition under Section 482 of Cr.P.C 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 inclusive of appearance of petitioners /accused in CC 8604 of 2023 pending on the file of XIII Additional Chief Metropolitan Magistrate, Mahila Court, Manoranjan Complex, Nampally, Hyderabad, pending disposal of the main criminal petition.

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to extend the interim order dated 12/02/2025 in Crl P No 12314 of 2023 passed by this Court until further orders in the interest of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. Ravinder Reddy, Advocate for the Petitioner, Public Prosecutor on behalf of the Respondent No. 1 and of Sri P. Nagesh, Advocate for the Respondent No. 2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.12314 OF 2023

DATE: 10-02-2026

Between:

Vijay Kumar Gurramkonda

... Petitioner

And

The State of Telangana,
WPS, CCS, DD, Hyderabad,
Represented by Public Prosecutor,
High Court, Hyderabad and another

... Respondents

ORDER:

This Criminal Petition is filed by the petitioner seeking to quash the proceedings against him in C.C.No.8604 of 2023 on the file of learned XIII Additional Chief Metropolitan Magistrate, Mahila Court, Manoranjan Complex, Nampally, Hyderabad, registered for the offences under Sections 498A, 406 and 506 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard Sri K. Ravinder Reddy, learned counsel for the petitioner and Sri P. Nagesh, learned counsel for respondent No.2.

3. Learned counsel for the petitioner submitted that the disputes in the present case arose at U.S.A. and that the petitioner and the sister of the *de facto* complainant are husband and wife, lived at U.S.A. and there is no averment as to dowry harassment, even according to the contents of the complaint. He further submitted that the complaint does not disclose any specific averments against the petitioner herein and that bald allegations are levelled against the petitioner. He further submitted that the *de facto* complainant being the brother-in-law of the petitioner lodged a false complaint and that no instances of harassment are reported in the complaint. That, continuation of proceedings against the petitioner would be an abuse of process of law. He further submitted that when the offences are alleged to have been committed at U.S.A., sanction under Section 188 Cr.P.C. is mandatory and hence, the complaint is not maintainable. He, therefore, prayed to quash the proceedings in the present C.C. against the petitioner. He relied upon the judgment of the Honourable Apex Court in **Achin Gupta v. State of Haryana and another**[1].

[1] 2024 LawSuit (SC) 392

4. Learned counsel for respondent No.2 has submitted that the ingredients of the complaint attract the offences alleged under Sections 498A, 406 and 506 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act. He further submitted that the petitioner was harsh upon the sister of the *de facto* complainant, even after begetting two sons. He further submitted that part of the offences occurred in India and hence, the complaint is very much maintainable. He further submitted that during the stay of the victim in India, certain amounts were transferred from the joint account of the victim and the petitioner into the account of the petitioner and with the said funds, the petitioner has purchased properties in the name of his father, causing loss to the victim. He further submitted that after filing the present complaint, the petitioner has resorted to file a criminal case against the *de facto* complainant and that he has put the sister of the *de facto* complainant to untold harassment. He, therefore, prayed to dismiss the Criminal Petition.

5. Perused the record.

6. It is alleged that the petitioner herein has bullied, threatened and manipulated the sister of the *de facto* complainant with an intention of controlling her and benefiting from her

services, both professionally and financially. It is specifically alleged that in August, 2022, when the petitioner and his wife (sister of the *de facto* complainant) moved to India, the petitioner and his family members treated the sister of the *de facto* complainant as a servant and has transferred the amounts existing in the joint account into the own account of the petitioner. It is further alleged that unable to bear the said harassment, the victim moved to U.S. with the two children and in retaliation, the petitioner has filed a false complaint of extortion against the *de facto* complainant, his father and his wife and is demanding that the victim should return to India unconditionally. It is further averred in the complaint that the petitioner also filed a divorce petition at Kukatpally Court and is actively trying to sell off their joint properties. The complaint, dated 09.11.2022, filed by the sister of the *de facto* complainant is also enclosed to the present complaint. In the said complaint, the victim i.e., wife of the petitioner herein, described a particular incident that occurred on 08.11.2022. She has stated that the petitioner had a continuous discussion throughout the night with her and when she asked for her own money from the house sale proceeds in U.S.A., the petitioner was upset and was packing his suitcase with all financial documents and entered into an altercation with her in

front of the house maid. It is further stated that on seeing the said incident, their son got scared and developed fever. It is further stated that the keys of the joint locker are in the possession of the petitioner's father and that the victim has developed concern about the security of herself and her children. Thus, the allegations do point out a *prima facie* case against the petitioner herein for the offences under Sections 498A, 406 and 506 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

7. The earlier incidents that occurred at U.S.A. and the occurrence of series of incidents in India point out the strained relations between the petitioner and the sister of the *de facto* complainant. Admittedly, there are cases of divorce and a C.C. filed by the petitioner herein against the *de facto* complainant and his sister. Since some of the incidents of harassment are alleged to have occurred while the sister of *de facto* complainant was staying in India, prior sanction under Section 188 Cr.P.C. is not necessary. The veracity and the strength of the witnesses need to be tested during the course of trial to know the truth or otherwise in the allegations levelled in the complaint. The bank statements are also filed to show the transfer of amounts from the joint account to the account of the petitioner.

8. In **Achin Gupta**'s case (surpa), it was held that:

'20. It is now well settled that the power under Section 482 of the Cr.P.C. has to be exercised sparingly, carefully and with caution, only where such exercise is justified by the tests laid down in the Section itself. It is also well settled that Section 482 of the Cr.P.C. does not confer any new power on the High Court but only saves the inherent power, which the Court possessed before the enactment of the Criminal Procedure Code. There are three circumstances under which the inherent jurisdiction may be exercised, namely (i) to give effect to an order under the Code, (ii) to prevent abuse of the process of Court, and (iii) to otherwise secure the ends of justice.

35. In one of the recent pronouncements of this Court in Mahmood Ali & Ors. v. State of U.P. & Ors., 2023 OnLine SC 950, authored by one of us (J.B. Pardiwala, J.), the legal principle applicable apropos Section 482 of the CrPC was examined. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 CrPC or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary

> ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines."

9. But, in the present case, the allegations point out the transfer of amounts from the joint account to the personal account of the petitioner and further, it is alleged that the petitioner is not taking care of his wife and children. There are also specific instances of harassment narrated in the complaint filed by the victim herself and particularly, by the *de facto* complainant in the present complaint. Therefore, the facts of the cited decision differ from the facts of the case on hand. Hence, the same cannot be applied to the case on hand.

10. In view of the above held discussion, it is opined that it is not a fit case to quash the proceedings against the petitioner at this stage. However, it is deemed appropriate to dispense with the attendance of the petitioner before the trial Court.

11. Accordingly, the Criminal Petition is disposed of dispensing with the attendance of the petitioner before the trial Court provided he is represented by a counsel before the trial Court on

every date of hearing and shall appear before the trial Court whenever his presence is required during the course of trial.

Miscellaneous Petitions pending, if any, shall stand closed.

SD/- P.PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

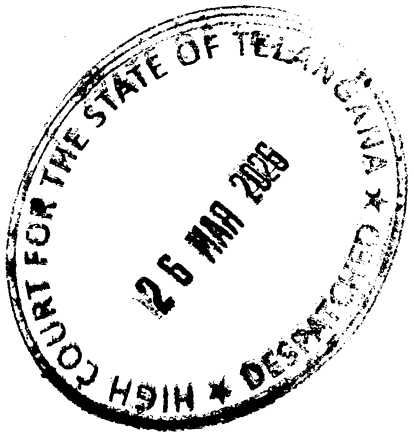
To,

1. The XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad
2. The Station House, Women Police Station, CCS DD, Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri K. Ravinder Reddy, Advocate [OPUC]
5. One CC to Sri P. Nagesh, Advocate [OPUC]
6. Two CD Copies

VH/PSL

HIGH COURT

DATED: 10/02/2026



ORDER

CRLP.No.12314 of 2023

DISPOSING OF THE CRIMINAL PETITION

(9) JKS
26/3/26