HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

****

CRIMINAL PETITION NO.1148 OF 2023

Between:

Dama Sudhir

… Petitioner(s)

Versus

B. Sai Chaithanya and another

...Respondents

* * * * *

DATE OF ORDER PRONOUNCED : 17.06.2026

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

1. Whether Reporters of Local Newspapers may be allowed to see the Judgment/Order? Yes/No

2. Whether the copy of Order may be marked to Law Reporters/Journals? Yes/No

3. Whether His Lordship wish to see the fair copy of the Judgment/Order? Yes/No

JUSTICE K.SREENIVASA REDDY

*** HONOURABLE SRI JUSTICE K.SREENIVASA REDDY**

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Dama Sudhir

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...Respondents

! **Counsel for the Petitioner(s)** : Ms. Sodum Anvesha

^ **Counsel for the Respondents** : 1. VMR Legal

2. Public Prosecutor (AP)

< Gist:

> Head Note:

? Cases referred:

1. **AIR 1992 SC 604.**
2. **2026 SCC OnLine SC 536.**
3. **2023 INSC 829 : AIR 2023 SC 4444 : (2023) 9 Supreme Court Cases 164.**
4. **AIR 2024 Supreme Court 4641.**
5. **1999 LawSuit (AP) 1190.**
6. **(2007) 13 Supreme Court Cases 165.**
7. **2005 SCC OnLine Ker 605 : (2006) 1 KLT 552 (FB) : (2006) 42 AIC 461 : 2006 CriLJ 1922 (FB) : (2006) 2 CCR 445.**
8. **2004 (2) KLT 1039.**
9. **1992 Supreme (AP) 221.**

This Court made the following:

Date on which Order/Judgment was reserved	:	23.04.2026
Date on which Order/Judgment was pronounced	:	17.06.2026
Date on which Order/Judgment was uploaded on the website of the High Court	:	17.06.2026

APHC010070292023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 1148/2023

Between:

1. DAMA SUDHIR, S/O DAMA SUBASH, R/O. 7,12TH CROSS, KURINJI NAGAR, PONDICHERRY, RESIDING IN PERTH, WESTERN AUSTRALIA-6010.

...PETITIONER/ACCUSED

A N D

1. B SAI CHAITHANYA, D/O JYOTHI BANDI, R/O. 2/135, A.KOTHA CHERLOPALLE, PERUMALLAPALLE POST, TIRUPATI, CHITTOOR DISTRICT
2. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.

...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 pleased to quash the proceedings against the petitioner/accused No.1 in C.C.No.249 of 2014 on the file of III Addl. Judicial Magistrate of First Class, Tirupati, Chittoor District which arose out of Cr.No.39 of 2010 of Mutyalareddipalli Police Station, Chittoor District 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 dispense with the filing of certified copy of the charge sheet in C.C.No. 249 of 2014 on the file of III Addl. Judicial Magistrate of First Class, Tirupati, Chittoor District and 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 to stay all further proceedings against the petitioner/accused No.1 in C.C.No. 249 of 2014 on the file of Ill Addl. Judicial Magistrate of First Class, Tirupati, Chittoor District which arose out of Cr.No.39 of 2010 of Mutyalareddipalli Police Station, Chittoor District and pass

IA NO: 1 OF 2025

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 receive the additional document viz.. Depositions and others documents as additional document in CrI.P.No. 1148 of 2023 of this Hon'ble Court and to pass

Counsel for the Petitioner/accused:

1. SODUM ANVESHA

Counsel for the Respondent/complainant(S):

1. VMR LEGAL
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 1148 OF 2023

O R D E R

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'CrPC') has been filed by the petitioner/Accused No.1, to quash the charge sheet in Calendar Case No.249 of 2014 pending on the file of the learned III Additional Judicial Magistrate of First Class, Tirupati of Chittoor District, arising out of a case in Crime No.39 of 2010 of M.R.Palli Police Station, registered against the petitioner/Accused No.1 and other accused, for the offences punishable under Sections 498A of the Indian Penal Code, 1860 (for brevity 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for brevity 'the DP Act, 1961').

2. The allegations levelled as against the accused Nos.1 to 3 in the charge sheet, in brief, are that the marriage of respondent No.1/*de facto* complainant and accused No.1 was solemnized on 27.01.2008 as per their religious rites and caste customs; that the accused Nos.1 to 3 were alleged to have allowed the respondent No.1/*de facto* complainant to enter into the matrimonial home nor allowed her to go to Australia along with

accused No.1. It is the specific allegation against the accused Nos.1 to 3 that they were alleged to have subjected the respondent No.1/ *de facto* complainant to cruelty by causing mental and physical harassment when their unlawful demand to pay the additional cash, gold and gift was not fulfilled by her parents. The case was reported to police on 25.03.2010 and a case in Crime No.39 of 2010 M.R.Palli Police Station was registered against the accused Nos.1 to 3 for the aforesaid offences and investigated into. After completion of investigation, the Investigating Officer filed charge sheet. Hence, the Charge Sheet.

3. Originally, subsequent to filing of Charge Sheet against the accused Nos.1 to 3, the learned III Additional Judicial Magistrate of First Class, Tirupati took cognizance of the case of the offences punishable under Section 498A of IPC and Sections 3 and 4 of the DP Act, 1961 and numbered as Calendar Case No.267 of 2010. *Vide* Order dated 15.12.2016 passed by this Court in Criminal Revision Petition No.3187 of 2016, case against accused No.1 was split up and numbered as Calendar Case No.249 of 2014 on the file of learned III Additional Judicial Magistrate of First Class, Tirupati. After full-fledged trial in Calendar Case No.267 of 2010, *vide* Judgment dated 11.08.2017, the learned III Additional Judicial

Magistrate of First Class, Tirupati, acquitted the accused Nos.2 and 3 of the aforesaid charges in terms of Section 248 (1) of CrPC. The present Criminal Petition was filed by the petitioner/A1 seeking to quash the proceedings

4. Ms. Sodum Anvesha, learned counsel for the petitioner/A1 would submit that even accepting the entire accusation is true, no offence under Section 498A of IPC has been made out as against the petitioner/A1. Learned counsel would further contend that originally the case was registered against the petitioner/A1 and two others, and thereafter, the case was split up as against the petitioner/A1 and in respect of accused Nos.2 and 3, they were tried in Calendar Case No.267 of 2010 on the file of the learned III Additional Judicial Magistrate of First Class, Tirupati. *Vide* Judgment dated 11.08.2017, the accused Nos.2 and 3 were found not guilty of the offences punishable under Sections 498 of IPC and Sections 3 and 4 of the DP Act, 1961 and they were acquitted of the said charges. Learned counsel for the petitioner/A1 would further submit that when once the trial had taken place in respect of accused Nos.2 and 3, and the learned III Additional Judicial Magistrate of First Class, Tirupati acquitted them basing on the evidence brought on record, in those circumstances, even

proceeding as against the petitioner/A1 would be a futile exercise. According to her, even as per the evidence on record no case is made out as against the petitioner/A1.

Learned counsel for the petitioner/A1 would further contend that during the cross-examination the respondent No.1/*de facto* complainant has given a complete go-bye to the version given in the chief-examination and made it clear to the extent that the petitioner/A1 supported the respondent No.1/*de facto* complainant for her further studies, and also sponsored ticket for her travel to India and Australia. According to learned counsel, there is absolutely no specific accusation that has been made as against the petitioner/A1. Even basing on the evidence recorded in the proceedings against accused Nos.2 and 3, the learned III Additional Judicial Magistrate of First Class, Tirupati acquitted them. Basing on the same evidence, since there is no material as against the petitioner/A1, allowing the petitioner/A1 to undergo entire ordeal of trial, is nothing but abuse of process of law.

5. On the contrary, learned counsel for the respondent No.1/*de facto* complainant would contend that there is specific evidence in the chief-examination that the petitioner/A1 was alleged to have harassed the respondent No.1/*de facto* complainant, and

the same would make it abundantly clear that there is harassment. According to learned counsel, irrespective of the fact that the trial in Calendar Case No.267 of 2010 against the accused Nos.2 and 3 had taken place, mere acquitting the accused Nos.2 and 3 does not meant that the proceedings as against the petitioner/A1 can be quashed. Hence, it is prayed to dismiss the Criminal Petition.

6. Learned Special Assistant Public Prosecutor for State representing respondent No.2 concurs with the submissions made by the learned counsel for respondent No.1/*de facto* complainant and prays the Court to dismiss the Criminal Petition.

7. Heard learned counsel for the petitioner/A1, learned counsel for respondent No.1/*de facto* complainant and learned Special Assistant Public Prosecutor representing respondent No.2/ State. Perused the entire material available on record.

8. There cannot be any dispute that inherent powers of this Court under Section 482 CrPC can be exercised to prevent abuse of process of Court or to give effect to any order under the Code or to secure the ends of justice. This Court is also conscious of the fact that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases and that the Court would not be justified in

embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the report. On this aspect, it is pertinent to refer to the judgment of the Hon'ble Apex court in ***State of Haryana v. Ch.Bhajanlal and Ors.***[1]**,** wherein the Hon'ble Apex Court held as under:

> *"In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
>
> *(1) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;*
>
> *(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155 (2) of the Code;*

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[1] AIR 1992 SC 604

(3) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."

9. The essential ingredients, in order to prove an offence punishable under Section 498A of IPC, are that a married woman must be subject to cruelty or harassment by her husband or his relatives. Under explanation to the aforesaid section, any willful conduct which is likely to drive a woman to commit suicide or cause

grave injury or danger to her life etc. or harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. The marriage must be valid, and the complaint cannot be based on vague or general allegations. This implies that any deliberate action or behaviour by the husband or his relatives that leads to severe mental or physical harm to the woman falls under the purview of cruelty. Sections 3 and 4 of the DP Act, 1961 criminalize giving, taking or demanding dowry. Section 3 of the DP Act, 1961 covers the actual exchange of dowry, while Section 4 of the DP Act, 1961 covers direct or indirect demands for dowry. The essential ingredients to prove these offences are a specific demand or exchange of money/property.

10. A perusal of the material on record goes to show that though originally, cognizance was taken against the accused Nos.1 to 3, subsequently, case proceedings against the petitioner/A1 was split up and numbered as Calendar Case No.249 of 2014. On the face of the material on record, it is apparent that the case proceedings against the accused Nos.2 and 3 in Calendar Case No.267 of 2010, ended in acquittal *vide* Judgment dated 11.08.2017

after full-fledged trial. Now, the core question is, whether the evidence of prosecution witnesses, who were examined in the proceedings in Calendar Case No.267 of 2010 against the accused Nos.2 and 3, which was held to be insufficient to bring home the charge against them, is binding on the petitioner/A1 in Calendar Case No.249 of 2014?

11. Learned counsel for the petitioner/A1 would contend that the prosecution failed to prove the guilt of the accused Nos.2 and 3 basing on the evidence led by the prosecution and even the true origin and genesis of the offences punishable under Section 498A of IPC and Sections 3 and 4 of the DP Act, 1961, as against the accused Nos.2 and 3 was not proved. If fresh trial is conducted in the proceedings pending as against the petitioner/A1, there would be ample opportunity to the respondent No.1/*de facto* complainant to improvise her version in order to fill up the lacunas occurred in the evidence deposed by her in the earlier proceedings as against the accused Nos.2 and 3, to convict the accused No.1. Therefore, continuation of prosecution as against the petitioner/A1 in a ritualistic manner will be a futile exercise and there is scope that the case against the accused No.1 may end in conviction. Learned counsel placed strong reliance on the proposition of law laid down

in **Gautam Satnami v. State of Chhattisgarh**[2], wherein the Hon'ble Apex Court held as under: (paragraph No.24)

> *"24. We feel this reasoning adopted applies with equal force to the case of the present appellant. The major distinction between the case of the present appellant and that of accused No.2 (Dwarika Jangde) is the 'last-seen' testimony of Raja Ram, which, as we have discussed above, does not inspire confidence. If that circumstance is excluded from consideration, the position of the present appellant is similar enough to that of accused No.2 (Dwarika Jangde) that it would be unsafe to sustain the conviction of the former, at least preponderantly on the basis of this circumstance. In this regard, we refer to the observation made by this Court in* ***Javed Shaukat Ali Qureshi v. State of Gujarat***[3]*:*
>
> > *"15. When there is similar or identical evidence of eyewitnesses against two accused by ascribing them the same or similar role, the Court cannot convict one accused and acquit the other. In such a case, the cases of both the accused will be governed by the principle of parity. This principle means that the Criminal Court should decide like cases alike, and in such cases, the Court cannot make a distinction between the two accused, which will amount to discrimination."*
> >
> > *(emphasis supplied)*

Learned counsel further contends that the aforesaid view expressed by the Hon'ble Supreme Court in the case of **Javed Shaukat Ali Qureshi**[3] has been reiterated in **Yogarani v. State By**

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[2] 2026 SCC OnLine SC 536.
[3] 2023 INSC 829 : AIR 2023 SC 4444 : (2023) 9 Supreme Court Cases 164.

the Inspector of Police[4] case. Learned counsel further contends that there is no scope for the prosecution to improve upon the evidence which was already and rightly so held to be insufficient to bring home the charge against the accused. She placed reliance on the proposition of law laid down in **Thallapalli Rajaiah @ Pogula Rajaiah v. State of Andhra Pradesh**[5] this Court held as under: (paragraph Nos.7 and 8)

> *"7. … Thus, this witness also excludes himself as an eye-witness to the occurrence. All these witnesses have been cross-examined on behalf of the prosecution. It is therefore, obvious, that there is no scope for the prosecution to improve upon this evidence which was already and rightly so held to be insufficient to bring home the charge against the accused.*
>
> *8. The petitioner was said to be absconding, however, he was arrested on 10.06.1999 and has been in jail as the bail application is said to have been dismissed. Under the circumstances, inasmuch as same witnesses have to be examined there is no even a remote possibility of the trial ending in the conviction of the petitioner herein. It would be abuse of the process of the Court if the petitioner is compelled to go through the ritual of facing the trial."*

12. It is pertinent to mention herein that in a case being made up of **Sanapareddy Maheedhar Seshagiri and another v.**

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[4] AIR 2024 SUPREME Court 4641.
[5] 1999 LawSuit (AP) 1190.

State of Andhra Pradesh and another[6], wherein the Hon'ble Supreme Court held as under: (Paragraph No.31)

> *"A careful reading of the above noted judgments makes it clear that the High Court should be extremely cautious and slow to interfere with the investigation and/or trial of criminal cases and should not stall the investigation and/or prosecution except when it is convinced beyond any manner of doubt that FIR does not disclose commission of any offence or that the allegations contained in FIR do not constitute any cognizable offence or that the prosecution is barred by law or the High Court is convinced that it is necessary to interfere to prevent abuse of the process of the Court. In dealing with such cases, the High Court has to bear in mind that judicial intervention at the threshold of the legal process initiated against a person accused of committing offence is highly detrimental to the larger public and societal interest. The people and the society have a legitimate expectation that those committing offences either against an individual or the society are expeditiously brought to trial and, if found guilty, adequately punished. Therefore, while deciding a petition filed for quashing FIR or complaint or restraining the competent authority from investigating the allegations contained in FIR or complaint or for stalling the trial of the case, the High Court should be extremely careful and circumspect. If the allegations contained in FIR or complaint disclose commission of some crime, then the High Court must keep its hands off and allow the investigating agency to complete the investigation without any fetter and also refrain from passing order which may impede the trial. The High Court should not go into the merits and demerits of the allegations simply because the petitioner alleges malus animus against the author of FIR or the complainant. The High Court must also refrain from making imaginary journey in the realm of possible harassment*

[6] (2007) 13 Supreme Court Cases 165.

which may be caused to the petitioner on account of investigation of FIR or complaint. Such a course will result in miscarriage of justice and would encourage those accused of committing crimes to repeat the same. However, if the High Court is satisfied that the complaint does not disclose commission of any offence or prosecution is barred by limitation or that the proceedings of criminal case would result in failure of justice, then it may exercise inherent power under Section 482 CrPC."

13. Learned counsel for the respondent No.1/*de facto* complainant would contend that acquittal of some of the co-accused based on appreciation of evidence in their case, is no ground to bar a criminal trial as the appreciation by the concerned judge in a criminal trial is not binding when the latter case is tried in the case of the other co-accused and it is for the learned trial judge to appreciate the evidence adduced in the latter case. He placed reliance on the proposition of law laid down in **Moosa v. Sub Inspector of Police**[7], the High Court of Kerala held as under: (paragraph No.53)

"53. To quash the proceeding after referring to the avert act of the petitioner with reference to the evidence tendered in the judgment rendered in a case of a co-accused who faced the trial and based on evidence therein case of the accused cannot be done as the judgment in the earlier case is not judgment relevant within the meaning of Sections 40 to 44 of the

[7] 2005 SCC OnLine Ker 605 : (2006) 1 KLT 552 (FB) : (2006) 42 AIC 461 : 2006 CriLJ 1922 (FB) : (2006) 2 CCR 445.

Evidence Act. To do so will be in the realm of appreciation of the evidence which has to be done by the trial Judge. In the above view, with great respect we cannot agree with the proposition of law thus stated in ***Arun Kumar v. State of Kerala***[8] *case. The acquittal of some of the co-accused based on appreciation of evidence in their case is no ground to bar a criminal trial as the appreciation by the concerned judge in a criminal trial is not binding when the latter case is tried in the case of the other co-accused and it is for the learned trial judge to appreciate the evidence adduced in the latter case. In that regard, possibly a particular witness may or may not be believed and his reliability may also be tested in the light of what he has stated in the earlier case etc. But those are all matters for the trial Judge to do. All that we want to say is that it will not preclude the trial of the case for the mere reason that the co-accused were acquitted. This is the principle that is stated by the Apex Court in* ***Megh Singh v. State of Punjab (2004 SCC Crl.58), Gorle S. Naidu v. State of A.P. ((2003) 12 SCC 449 : AIR 2004 SC 1169) etc.*** *Further, as held by the Apex Court in* ***Raju Rai's case (2006 (1) KLT (SC) (SN) 8 : 2005 (7) Supreme 459)*** *the judgment in the case of the co-accused is not at all a judgment relevant within the meaning of Ss.40 to 44 of the Evidence Act. The Rule of estoppels as held by the Apex Court is a rule of admissibility of evidence and which does not bar the trial as such. Hence, it has to be held that the power under S.482 Cr.P.C. cannot be invoked to prevent the trial of the petitioners/ accused solely by referring to the overt act played by the accused as spoken to by the witnesses in the case of the co-accused and this court cannot in exercise of its jurisdiction under S. 482 Cr.P.C. quash the proceedings and prevent the trial. Hence, the dictum laid down in Arun Kumar's case to the extent it has taken a contrary view of what is stated above, is not a correct law and the same is overruled. In the light*

[8] 2004 (2) KLT 1039.

of the above discussions, we may summarise the legal position as follows:

(i) The inherent powers of the High Court reserved and recognised under Section 482 of the Code of Criminal Procedure are sweeping and awesome; but such powers can be invoked only

(a) to give effect to any order passed under the Code of Criminal Procedure or

(b) to prevent abuse of process of any court or

(c) otherwise to secure the ends of justice. Such powers may have to be exercised in an appropriate case to render justice even beyond the law.

(ii) Considering the nature, width and amplitude of the powers, it would be unnecessary, inexpedient and imprudent to prescribe or stipulate any straight jacket formula to identify cases where such powers can or need not be invoked.

(iii) But such powers can be invoked only in exceptional and rare cases and cannot be invoked as a matter of course. Where the Code provides methods and procedures to deal with the given situation, in the absence of exceptional and compelling reasons, invocation of the powers under Section 482 of the Code of Criminal Procedure is not necessary or permissible.

(iv) The fact that an accused can seek discharge/dropping of proceedings/ acquittal under the relevant provisions of the Code in the normal course would certainly be a justifiable reason, in the absence of exceptional and compelling reasons, for the High Court not invoking its extraordinary powers under Section 482 Cr.P.C.

(v) In a trial against the co-accused the prosecution is not called upon, nor is it expected to adduce evidence against the absconding co-accused'. In such trial the prosecution cannot be held to have the opportunity or obligation to adduce all evidence against the absconding co-accused. The fact that the

testimony of a witness was not accepted or acted upon in the trial against the co-accused is no reason to assume that he shall not tender incriminating evidence or that his evidence will not be accepted in such later trial.

(vi) On the basis of materials placed before the High Court in proceedings under Section 482 of the Code of Criminal Procedure (which materials can be placed before the court in appropriate proceedings before the subordinate courts) such extraordinary inherent powers under Section 482 of the Code of Criminal Procedure cannot normally be invoked, unless such materials are of an unimpeachable nature which can be translated into legal evidence in the course of trial.

(vii) The judgment of acquittal of a co-accused in a criminal trial is not admissible under Sections 40 to 43 of the Evidence Act to bar the subsequent trial of the absconding co-accused and cannot hence be reckoned as a relevant document while considering the prayer to quash the proceedings under Section 482 Cr.P.C. Such judgments will be admissible only to show as to who were the parties in the earlier proceedings or the factum of acquittal.

(viii) While considering the prayer for invocation of the extraordinary inherent jurisdiction to serve the ends of justice, it is perfectly permissible for the court to consider the bona fides - the cleanliness of the hands of the seeker. If he is a fugitive from justice having absconded or jumped bail without sufficient reason or having waited for manipulation of hostility of witnesses, such improper conduct would certainly be a justifiable reason for the court to refuse to invoke its powers under Section 482 of the Code of Criminal Procedure.

(ix) The fact that the co-accused have secured acquittal in the trial against them in the absence of absconding co-accused cannot by itself be reckoned as a relevant circumstance while considering invocation of the powers under Section 482 of the Code of Criminal Procedure.

(x) A judgment not interparties cannot justify the invocation of the doctrine of issue estoppel under the Indian law at present.

(xi) Conscious of the above general principles, the High Court has to consider in each case whether the powers under Section 482 of the Code of Criminal Procedure deserve to be invoked. Judicial wisdom, sagacity, sobriety and circumspection have to be pressed into service to identify that rare and exceptional case where invocation of the extraordinary inherent jurisdiction is warranted to bring about premature termination of proceedings subject of course to the general principles narrated above.

14. A perusal of the evidence of respondent No.1/*de facto* complainant, who was examined as P.W1 in Calendar Case No.267 of 2010, goes to show that subsequent to marriage, P.W1 stayed at Pondicherry for 18 days and she along with petitioner/A1 stayed at Chennai for a period of 10 to 12 days. She voluntarily deposed that her mother bared the expenses for first two semesters and the remaining amount of Rs.30,000/- spent by her in-laws and the petitioner/A1. It is the specific evidence of P.W1 that she sent a mail to the petitioner/A1 expressing her thanks for not demanding dowry. She further deposed that the petitioner/A1 applied VISA for her from Australia and basing on the VISA, the petitioner/A1 reserved the ticket for three times. P.W1 specifically deposed that she deliberately did not utilize the business VISA for her own concerns

and circumstances and on her requisition, spouse VISA was cancelled by Australian Embassy. It is the further evidence of P.W1 that she did not go to Australia because of cancellation of VISA. P.W1 further deposed in her cross-examination that the petitioner/A1 gave her a City Bank Spouse Card and she had withdrawn huge amounts. Though she added in her cross-examination that she returned the said amount to her father-in-law, she fairly deposed that she has no documentary evidence to that effect.

15. A perusal of entire evidence of P.W1 coupled with the other material on record goes to show that there is no specific accusation as against the petitioner/A1 that he demanded additional dowry. Even as per the report of P.W1, the marriage between P.W1 and petitioner/A1 was solemnized on 27.01.2008 and the petitioner/A1 went to Australia on 18.02.2008 *i.e.* 22 days after their marriage. Therefore, hardly, the respondent No.1/*de facto* complainant lead the marital life with the petitioner/A1 for 22 days. Even as per the evidence of P.W1, it is the petitioner/A1, who applied for VISA for P.W1 from Australia and basing on the VISA, the petitioner/A1 reserved the ticket for three times, but as per the evidence of P.W1, it is she, who deliberately did not utilize the business VISA for her own concerns and circumstances and on her requisition, the spouse

VISA was cancelled by Australian Embassy. The evidence of P.W1 further goes to show that subsequent to her marriage with the petitioner/A1, her parents-in-law provided education expenses to her.

16. Further, a perusal of the material on record goes to show that the respondent No.1/*de facto* complainant filed D.V.C.No.6 of 2023 against A1 to A3 under Sections 19 and 22 of the Protection of Women from Domestic Violence Act, 2005 on the file of the III Additional Judicial Magistrate of First Class, Tirupati. The learned Trial Judge *vide* Order dated 25.09.2025 observed that the respondent No.1/*de facto* complainant suppressed the fact of granting permanent alimony for a sum of Rs.25.00 lakhs *vide* Order dated 17.06.2017 passed in F.C.O.P.No.100 of 2016 by the learned Judge, Family Court-cum-V Additional District Judge, Tirupati and she cannot be permitted to carry second round of litigation on the same relief when she was granted permanent alimony.

17. This Court perused the entire prosecution evidence recorded in C.C.No.267 of 2010. Though, the respondent No.1/*de facto* complainant hurled so many allegations as against the petitioner/A1, the evidence of P.W1 and the evidence of other material prosecution witnesses recorded in Calendar Case No.267

of 2010 on the file of the learned III Additional Judicial Magistrate of First Class, Tirupati, has been found untrustworthy and accordingly, the accused Nos.2 and 3 were acquitted of the charges. In **Janyavula Rambabu v. State, represented by Inspector of Police, Jangareddigudem PS, West Godavari District**[9], the accused in a Sessions Case filed an application to quash all the proceedings, after being apprehended following the split up of the case from the main case, where an order of acquittal was recorded. While deciding the issue as to whether it is justifiable to proceed with the trial, when there is lack of evidence implicating the accused in the commission of offence, the Hon'ble Apex Court held that *the absence of evidence to show the accused involvement in the offence and the futility of proceeding with the trial, which would only result in an abuse of the process of Court.* In the present case on hand also, the evidence of material prosecution witnesses recorded in split up case found untrustworthy and in that event, even if trial is to be proceeded with, same witnesses have to be examined and same evidence has to be let in, which is waste of time of the Court and there are no chances of conviction. When such is the case, there is no point in allowing the petitioner/A1 to face the entire

[9] 1992 Supreme (AP) 221.

ordeal of trial. In view of the aforesaid circumstances, this Court is convinced and quashes the proceedings in respect of petitioner/A1.

18. Accordingly, the Criminal Petition is allowed and the proceedings in Calendar Case No.249 of 2014 pending on the file of the learned III Additional Judicial Magistrate of First Class, Tirupati of Chittoor District, as against the petitioner/A1, are quashed.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE K. SREENIVASA REDDY

17th June, 2026.

Note:
LR Copy to be marked.

B/o.
DNB