

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CRIMINAL PETITION NO.8080 OF 2022

Between:

... Petitioner(s)

Versus

The State of Andhra Pradesh and another

...Respondents

* * * * *

DATE OF ORDER PRONOUNCED : 09.04.2026

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**
+ CRIMINAL PETITION NO.8080 OF 2022

% 09.04.2026

Between:

M.Annapurna Devi

... Petitioner(s)

Versus

The State of Andhra Pradesh and another

...Respondents

! **Counsel for the Petitioner(s)** : Sri Posani Venkateswarlu, learned senior counsel appearing for Sri B.V.Anjaneyulu, learned counsel for the petitioner

^ **Counsel for the Respondents** : 1. Sri D.Purnachandra Reddy
2. Public Prosecutor (AP)

< **Gist:**

> **Head Note:**

? **Cases referred:**

1. **AIR 1992 SC 604.**
2. **(2007) 15 Supreme Court Cases 369.**
3. **2022 SCC OnLine AP 1000.**
4. **(2011) 7 Supreme Court Cases 616.**
5. **(2009) 6 SCC 757.**

This Court made the following:

APHC010546792022



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

[3327]

THURSDAY, THE NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 8080/2022

Between:

1.

...PETITIONER/ACCUSED

A N D

1. THE STATE OF ANDHRA PRADESH, THROUGH STATION HOUSE OFFICER, DISHA WOMEN POLICE STATION TIRUPATI, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF A.P., AMARAVATI.

2.

...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 C.C.No.112/2022, on the file of Hon'ble IV Addl. Junior Civil Judge -cum- Judicial First Class Magistrate, Tirupati, Balaji District as against the petitioner/accused No.6 and pass

IA NO: 1 OF 2022

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 the certified copy of the charge sheet in C.C.No.112/2022, on the file of Hon'ble IV Addl. Junior Civil Judge -

cum- Judicial First Class Magistrate, Tirupati, Balaji District and pass

IA NO: 2 OF 2022

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 interim stay of all further proceedings in C.C.No.112/2022, on the file of Hon'ble IV Addl.Junior Civil Judge —cum- Judicial First Class Magistrate, Tirupati, Balaji District including appearance of the petitioner/accused No.6, pending disposal of the above criminal petition and pass

Counsel for the Petitioner/accused:

1.B V ANJANEYULU

Counsel for the Respondent/complainant(S):

1.D PURNACHANDRA REDDY

2.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER

Heard Sri Posani Venkateswarlu, learned senior counsel appearing on behalf of Sri B.V.Anjaneyulu, learned counsel for the petitioner/A6, learned Special Assistant Public Prosecutor representing respondent No.1/State and Sri D.Purna Chandra Reddy, learned counsel for the respondent No.2/*de facto* complainant.

2. This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'CrPC') has been filed by the petitioner/Accused No.6, to quash the charge sheet in Calendar Case No.112 of 2022 pending on the file of the learned IV Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, Tirupati, arising out of a case in Crime No.23 of 2021 of Disha Women Police Station, Tirupati, registered against the petitioner/Accused No.6 and other accused, for the offence punishable under Section 498A of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for brevity 'the DP Act, 1961').

3. Brief averments of the charge sheet, are that, respondent No.2/*de facto* complainant is the wife of accused No.1, accused Nos.2 and 3 are the parents, and accused Nos.4 and 5 are

siblings, of accused No.1, and the petitioner/A6 is alleged to be the second wife of accused No.1.

(b) That the marriage of respondent No.2/*de facto* complainant with accused No.1 was performed on 03.12.2003 and at the time of her marriage, on the demand of accused Nos.1 to 5, L.W2/ , mother of respondent No.2/*de facto* complainant was alleged to have given dowry; that the respondent No.2/*de facto* complainant is working as Government Secondary Grade Teacher in Chennampalli Government School, Yerpedu Mandal; that subsequent to marriage, they were blessed with two female children, but the accused Nos.1 to 5 were alleged to have harassed the respondent No.2/*de facto* complainant for male child and used to quarrel with her; that accused No.1 was alleged to have demanded respondent No.2/*de facto* complainant to bring additional dowry and that accused Nos.2 to 5 were alleged to have supported accused No.1 to marry another women as second wife. Accused No.1 was alleged to have married the petitioner/A6, on the pretense of lack of male child, without the consent of respondent No.2/*de facto* complainant; that the petitioner/A6 is working as Dance Teacher in Government Girls High School, Angaluru, Gudlavalleru Mandal, Krishna District. That when the mediations were held and questioned the A1 about his second

marriage with the petitioner/A6, he did not turn up for mediation and not allowed the respondent No.2/*de facto* complainant to lead the marital life. The respondent No.2/*de facto* complainant reported the case to police on 16.03.2021 and a case in Crime No.23 of 2021 of Disha Women Police Station, Tirupati was registered for the aforesaid offences and investigation into. After completion of investigation, the Investigating Officer filed charge sheet.

4. Sri Posani Venkateswarlu, learned senior counsel appearing for Sri B.V.Anjaneyulu, learned counsel for the petitioner/A6 would contend that due to marital disputes between the respondent No.2/*de facto* complainant and accused No.1, the petitioner/A6, who is no way connected to those disputes, has been falsely roped into the subject crime, on the pretext that accused No.1 was alleged to have married the petitioner/A6 as second wife. Learned senior counsel would further contend that though the police registered the FIR for the offences punishable under Section 498 and 494 of IPC, during the course of investigation, the police deleted the offence punishable under Section 494 of IPC and only the offence under Section 498A of IPC and Sections 3 and 4 of the DP Act, 1961 remains as against the petitioner/A6. According to learned senior counsel, the petitioner/A6 would not come under relative, therefore, the offence under Section 498A of IPC and

Sections 3 and 4 of the DP Act, 1961 are not made out as against the petitioner/A6. According to learned senior counsel, in the absence of any *prima facie* case made out even if the entire allegations are taken as true and correct, continuation of *impugned* proceedings against the petitioner/accused No.6 is nothing but abuse of process of Court and hence, he prays to allow the Criminal Petition.

5. Sri D.Purna Chandra Reddy, learned counsel for the respondent No.2/*de facto* complainant would contend that due to the respondent No.2/*de facto* complainant gave birth to two female children, accused No.1 developed illicit intimacy with the petitioner/A6 and contacted second marriage with her and at the instigation of the petitioner/A6 and also at the instance of A2 to A5, parents and blood relatives of A1, demanded the respondent No.2/*de facto* complainant to bring additional dowry and meted her to harassment both mentally and physically. Learned counsel would further contend that the alleged intimacy with the petitioner/A6 is also known to the listed witnesses and they consistently stated in their respective statements. According to learned counsel, all the contentions raised by the petitioner/A6 are disputed questions of fact, need to be decided after full-fledged trial. Hence, it is prayed to dismiss the Criminal Petition.

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

7. 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 Vs. 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

¹ AIR 1992 SC 604

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;

(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 wreaking 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. This includes willful conduct likely to cause suicide or grave injury (mental/physical) or harassment to force dowry. The marriage must be valid, and the complaint cannot be based on vague, 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 and demanding dowry. Section 3 of the DP Act, 1961 covers the actual exchange of dowry, while Section 4 of the DP Act, 1961 direct or indirect demands for dowry. The essential ingredients to prove these sections are a specific demand or exchange of money/property, with a minimum five years' penalty for giving/taking and at least six months for demanding.

10. In the present Criminal Petition on hand, the core issue is whether the petitioner/A6 would come under the meaning of a relative or not, to level accusation under Section 498A IPC as against her. Apparently, the respondent No.2/*de facto* complainant reported the physical and mental harassment of demanding additional dowry by the accused to police on 16.03.2021. It was reported to police by the respondent No.2/*de facto* complainant that her husband *i.e.* accused No.1 was alleged to have illicit intimacy with the petitioner/A6 and he contracted second marriage with her without the consent of respondent No.2/*de facto* complainant.

11. Learned senior counsel would contend that the Jurisdictional Magistrate had not taken the cognizance of the offence punishable under Section 494 of IPC and therefore, the accusations remained, as per the charge sheet, as against the petitioner/A6 are only Section 498A of IPC and Sections 3 and 4 of the DP Act, 1961, which are no way to the petitioner/A6, as she would not come under the meaning of relative of accused Nos.1 to 5. Learned senior counsel placed strong reliance on the proposition of law laid down in **Shivcharan Lal Verma and Another v. State of**

Madhya Pradesh², wherein the Hon'ble Supreme Court held as under: (paragraph No.2)

"2. ... One, whether the prosecution under Section 498-A can at all be attracted since the marriage with Mohini itself was null and void, the same having been performed during the life time of Kalindi. Second, whether the conviction under Section 306 could not at all be sustained in the absence of any positive material to hold that Mohini committed suicide because of any positive act on the part of either Shiv Charan or Kalindi. There may be considerable force in the argument of Mr. Khanduja, learned counsel for the appellant so far as conviction under Section 498-A is concerned, inasmuch as the alleged marriage with Mohini during the subsistence of a valid marriage with Kalindi is null and void."

Learned senior counsel also placed reliance on the proposition of law laid down by this Court in **G.Deva Sahayam v. State of A.P., rep. by P.P. and another³**, wherein this Court held as under: (Paragraph No.8)

"8. Admittedly, petitioner and the de facto complainant are not legally wedded couple. They are having extra marital relationship and were living together for more than 10 years. So by any stretch of imagination, case against the petitioner herein would not come within the purview of Section 498- IPC, since he is neither the husband nor the relative of the husband. In view of the same, the offence under Section 498-A IPC would not attract as against the petitioner."

² (2007) 15 Supreme Court Cases 369.

³ 2022 SCC OnLine AP 1000.

12. Learned counsel for respondent No.2/*de facto* complainant would contend that the listed witnesses in their statements stated that accused No.1 developed illicit intimacy with the petitioner/A6 and merely because the Jurisdictional Magistrate did not take cognizance of the offence punishable under Section 494 of IPC, it would not entitle the petitioner/A6 to sweep away from the remaining accusations, as she is bigamy of accused No.1 and it has to be proved only after conducting full-fledged trial. He placed strong reliance on the proposition of law laid down in **A.Subash Babu v. State of Andhra Pradesh and another**⁴, wherein the Hon'ble Supreme Court held as under: (paragraph No.22)

"22. For a variety of reasons, the first wife may not choose to file a complaint against her husband e.g. when she is assured of re-union by her husband, when the husband assures to snap the tie of second marriage, etc. Non-filing of the complaint under Section 494 IPC by the first wife does not mean that the offence is wiped out and monogamy sought to be achieved by means of Section 494 IPC merely remains in statute book. Having regard to the scope, purpose, context and object of enacting Section 494 IPC and also the prevailing practices in the society sought to be curbed by Section 494 IPC, there is no manner of doubt that the complainant should be an aggrieved person. Section 198 (1) (c) of the Criminal Procedure Code, amongst other things, provides that where the person aggrieved by an offence under Section 494 or Section 494 IPC is the wife, complaint on her behalf may also be filed by her

⁴ (2011) 7 Supreme Court Cases 616.

father, mother, sister, son, daughter etc. or with the leave of the Court, by any other person related to her by blood, marriage or adoption.”

13. It is pertinent to refer to the judgment of the Hon’ble Apex Court in **U.Suvetha v. State by Inspector of Police**⁵, wherein the Hon’ble Supreme Court held as under: (paragraph No.12)’

“12. In the absence of any statutory definition, the term ‘relative’ must be assigned a meaning as is commonly understood. Ordinarily it would include father, mother, husband or wife, son, daughter, brother, sister, nephew or niece, grandson or granddaughter of an individual or the spouse of any person. The meaning of the word ‘relative’ would depend upon the nature of the statute. It principally includes a person related by blood, marriage or adoption.

The word ‘relative’ has been defined in P. Ramanatha Aiyar Advanced Law Lexicon - Volume 4, 3rd Edition as under:-

“Relative, “RELATIVE” includes any person related by blood, marriage or adoption. [Lunacy Act].

The expression “REALTIVE” means a husband wife, ancestor, lineal descendant, brother or sister. [Estate Duty Act].

“RELATIVE” means in relation to the deceased,

- a) the wife or husband of the deceased;*
- b) the father, mother, children, uncles and aunts of the deceased, and*
- c) any issue of any person falling, within either of the preceding sub-clauses and the other party to a marriage with any such person or issue [Estate Duty Act].*

⁵ (2009) 6 SCC 757.

A person shall be deemed to be a relative of another if, and only if, -

- a) they are the members of a Hindu undivided family, or*
- b) they are husband and wife; or*
- c) the one is related to the other in the manner indicated in Schedule I-A [Companies Act, 1956].*

"RELATIVE" in relation to an individual means –

- a) The mother, father, husband or wife of the individual, or*
- b) a son, daughter, brother, sister, nephew or niece of the individual, or*
- c) a grandson or grand-daughter of the individual, or*
- d) the spouse of any person referred to in sub- clause (b) [Income Tax Act].*

"REALTIVE" means –

- 1) spouse of the person;*
- 2) brother or sister of the person;*
- 3) brother or sister of the spouse of the person;*
- 4) any lineal ascendant or descendant of the person;*
- 5) any lineal ascendant or descendant of the spouse of the person;*

[Narcotic Drugs and Psychotropic Substances Act]." Random House Webster's Concise College Dictionary defines `relative' at page 691 to mean:-

"Relative n. 1. a person who is connected with another or others by blood or marriage. 2. something having, or standing in, some relation to something else. 3. something dependent upon external conditions for its specific nature, size, etc. (opposed to absolute). 4. a relative pronoun, adjective, or adverb. - adj. 5. considered in relation to something else; comparative: the relative merits of gas and electric heating. 6. existing or having its specific nature only by relation to something else; not absolute or

independent: Happiness is relative. 7. having relation or connection. 8. having reference : relevant; pertinent (usually fol. by to): two facts relative to the case. 9. correspondent; proportionate: 10. depending for significance upon something else: "Better" is a relative term. 11. of or designating a word that introduces a subordinate clause and refers to an expressed or implied element of the principal clause: the relative pronoun who in "That was the woman who called." 12. (of a musical key) having the same key signature as another key: a relative minor."

14. Apparently, a perusal of the aforesaid judgment, the petitioner/A6, who is alleged to have bigamy of accused No.1, would not come under the meaning of relative. Indisputably, basing on the contents of the report, the FIR was registered for the offences punishable under Section 498A and 494 of IPC and Sections 3 and 4 of the DP Act, 1961. According to learned senior counsel representing the petitioner/A6, during the course of investigation, the offence punishable under Section 494 of IPC was deleted. But, a perusal of the contents of the charge sheet, it was filed against the accused Nos.1 to 6 for the offences punishable under Sections 498A, 494 of IPC and Sections 3 and 4 of the DP Act, 1961. However, in the 10th paragraph of the said charge sheet, it was stated that the *accused A-1 to A6 has committed an offence punishable under Section U/sec. 498(A), Sec. 3 & 4 of the D.P. Act for making harassment on LW-1 physically and mentally for want of additional dowry and getting second marriage to A-1.*

15. Though, the learned Jurisdictional Magistrate did not take cognizance of the offence punishable under Section 494 of IPC, the contents of the charge sheet can be taken into consideration to adjudicate the present Criminal Petition as to whether the offences under Sections 498A and 494 of IPC and Sections 3 and 4 of the DP Act, 1961 has been made out as against the petitioner/A6.

16. A perusal of the statement of respondent No.2/*de facto* complainant goes to show that she was married with accused No.1 and they were blessed with two female children and on that pretext, she was harassed by A1, along with her in-laws *i.e.* accused Nos.2 to 5 to bring additional dowry. The said statement was supported by other listed witnesses. A further perusal of the statement of respondent No.2/*de facto* complainant goes to show that on the pretext of having a male child, it was alleged that accused No.1 developed illicit intimacy with the petitioner/A6, who is working as Dance Teacher in a Government School situated at Gudlavalleru Mandal.

17. A perusal of the contents of the charge sheet coupled with the statements of listed witnesses *prima facie* goes to show that the accused No.1 had not deserted the respondent No.2/

de facto complainant and it appears that though they are having marital disputes, they have been residing together under one roof, since there is no statement that any of the party filed petition seeking decree for dissolution of their marriage. When such is the case, it is quite surprising to state by the respondent No.2/*de facto* complainant in her statement that she learnt about the second marriage of accused No.1 with the petitioner/A6. If really the accused No.1 had illicit intimacy with the petitioner/A6 and contacted second marriage with her, she might have filed some proof to that effect. Further, if at all the accused No.1 contacted second marriage with the petitioner/A2, she would be the aggrieved person under Section 494 of IPC arising out of the gross fraud perpetrated upon her, concealing the fact of accused No.1 having an earlier living wife *i.e.* respondent No.2/*de facto* complainant and marrying the petitioner/ A6.

18. Insofar as the offences punishable under Sections 498A of IPC and Sections 3 and 4 of the DP Act, 1961 against the petitioner/A6 is concerned, except vague and bald allegations, there is no other accusation as against her. There is no material on record to connect the petitioner/A6 to the alleged offences. Even if the entire accusations made as against the petitioner/A6 are accepted as true and correct, no *prima facie* case for the offences

alleged is made out against her and the chances of convicting her when the trial takes place are bleak and remote. When such is the case, there is no point in allowing her to face the entire ordeal of trial. In view of the aforesaid circumstances, this Court is convinced and quashes the proceedings in respect of petitioner/A6.

19. Accordingly, the Criminal Petition is allowed and the proceedings in Calendar Case No.112 of 2022 pending on the file of the learned IV Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, Tirupati, as against the petitioner/A6, are quashed.

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

JUSTICE K. SREENIVASA REDDY

9th April, 2026.

Note:

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B/o.
DNB