

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CRIMINAL PETITION NO: 7328 OF 2022

Between:

...PETITIONERS

AND

\$ The State of Andhra Pradesh and Another

...RESPONDENTS

JUDGMENT PRONOUNCED ON 11.08.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments?

Yes/No

2. Whether the copies of judgment may be marked to
Law Reporters/Journals

Yes/No

3. Whether Their Ladyship/Lordship wish to see the fair
copy of the Judgment?

Yes/No

JUSTICE TUHIN KUMAR GEDELA

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA
CRIMINAL PETITION NO: 7328 OF 2022

% 11.08.2026

Between:

...PETITIONERS

AND

\$ State of Andhra Pradesh and Another

...RESPONDENTS

! Counsel for the Petitioners : Mr. S. Syam Sunder Rao
! Counsel for the 1st Respondent : Mr. G. Neelothpal, learned
Assistant Public Prosecutor

<Gist :

>Head Note:

? Cases referred: 1. (2010) 7 SCC 667
2. (2012) 10 SCC 741
3. (2014) 8 SCC 273
4. 2026 livelaw (sc) 220
5. 2025 INSC 1168
6. (2022) 6 SCC 599
7. 2025 (3) SCC 735
8. (2018) 14 SCC 452
9. (2000) 3 SCC 93
10. (2023) SCC OnLine SC 1083
11. (2025) 3 SCC 756
12. (2025) SCC OnLine SC 263

APHC010486062022

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**TUESDAY, THE 11th DAY OF AUGUST 2026**PRESENT****THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA****CRIMINAL PETITION NO: 7328 OF 2022****Between:**

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...Petitioners**AND**

1. THE STATE OF ANDHRA PRADESH, rep.by the Public Prosecutor through Nandikotkur Police Station Nandyal District. High Court at Amaravathi.

2. _____

...Respondents

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 quash the proceedings in C.C.No. 211 of 2018 on the file of the Hon'ble Judicial First Class Magistrate, Nandikotkur, Nandyal District, and to 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 pleased to stay of all further proceedings in C.C.No. 211 of 2018 on the file of the Hon'ble Judicial First Class Magistrate, Nandikotkur, Nandyal District, Pending disposal of the above criminal petition, and to pass

Counsel for the Petitioners: S SYAMSUNDER RAO

Counsel for the Respondents: PUBLIC PROSECUTOR (AP)

The Court made the following order:

ORDER:

Heard,

Sri S. Syam Sunder Rao, learned counsel for the petitioners and Sri G. Neelothpal, learned Assistant Public Prosecutor, appearing for respondent No.1-State.

2. Sri S. Syam Sunder Rao, the learned counsel for the petitioners/accused would submit that the Criminal Petition is filed challenging C.C. No.211 of 2018, on the file of Judicial First Class Magistrate, Nandikotkur, Nandyal District, which is filed under Section 173(2) Cr.P.C. in Crime No.50/2018, under Section 498 A IPC, r/w 34 IPC and Sections 3 & 4 of Dowry Prohibition Act. The learned counsel would proceed with his arguments stating that the root cause for initiating the present complaint by the *de facto*-complainant/ respondent No.2, on 06.06.2018 is an incident which has happened on 25.04.2018, where the petitioners/accused were attacked by the family members of respondent No.2/ *de facto*-complainant. The learned counsel would further submit that the fact of coming and beating/ attacking Accused No.1/ husband and the other family members, who are the petitioners before this Court, is silent in the complaint, despite the fact that these incidents happened prior to lodging of the complaint. The learned counsel would bring to the notice of this Court that pursuant to the complaint instituted by the husband/ Accused No.1, in C.C.No.207/2018, the learned Judicial Magistrate of First Class, Nandikotkur, has found guilty against all the

Accused Nos.1 to 9 (some are family members of *de facto*- complainant) for the offences punishable under Sections 323 & 506 IPC and they were convicted under Section 252 Cr.P.C., by an order dated 12.03.2022. A lenient view was taken and they were all sentenced to pay a fine of Rs.1,000/- each for the offences and in default of payment of fine amount, all the accused shall undergo simple imprisonment for a period of one month each.

4. This is the sole reason for the *de facto*-complainant, who has borne grudge against the petitioners/ accused and lodged a complaint on 06.06.2018 with false allegations and as a counterblast.

5. Sri Syam Sunder Rao, the learned counsel for the petitioners, adverting to the facts of the case on hand, would draw the attention of this Court to the chargesheet filed in C.C.No.211 of 2018. The contents of the chargesheet are extracted hereunder:

"The marriage of the defacto complainant (LW.1) was performed with A1 of Malyala village about two years back ie., on 26-11-2015 in the presence of elders. At the time of marriage of an amount of Rs. One lakh, 2 ½ tulas of gold and 12 tulas of silver leg chains were given as dowry by LW.2. After the marriage, LW.1 went to her in-laws house along with her husband situated in Malyala village and during the first night, her husband picked up quarrel with her by suspecting her fidelity. On the next day morning, her husband(A1) demanded her bring Rs. 10 lakhs from her parents as dowry and her mother in-law (A2), father in-law (A3), brother in-law (A4) and her sister in law (A5) supported A1 stating that he studied up to M.A. B.Ed., and some others came forward to marry him by giving Rs. 30 lakhs, but they performed his marriage with her as he fell in love with her. So saying, all of

them A1 to A5 subjected her for harassment with a demand to bring Rs. 10 lakhs as additional dowry and beat her with hands and legs and pushed out her from the house, but she stayed there outside of the house and prayed her husband. On that, her husband lead marital life with her happily for a period of 2 months and at that time her husband was attending electrician works privately in Kurnool town. A1 used to stay at Kurnool for 10 days and stayed with LW.1 in the village for two days only and that time also used to harass her physically. Due to harassment of A1, LW-1 informed the same to her father (LW.2) by phone. On that LW.2 came to Malyala village and took LW.1 to parentage. There, her father called for Panchayat in the presence of caste elders and the said Panchayat her husband agreed that she will look after her in good manner and took her to their house. Later, A1 and LW.1 lead marital life happily. Later, she gave birth to son and stayed in the parentage for a period of 9 months and after 9 months she went to her in-laws house. After her son became to the age of one year, ie., on 25.04.2018 at 12.30 hours, her husband (A1) again started harassment on her to bring additional dowry of Rs.10 lakhs and also gold as done by him in the past with the support of her in laws A2 to A5 and all of them beat her with hands and legs and caused dumb injuries and subjected her for harassment mentally and physically. LWs 3 & 4 who are the neighbours of LW.1 witnessed the occurrence. Due to their continuous harassment, she came back to her parentage and went to Govt. Genl. Hospital, Kurnool along with her father Yellappa (LW.2) on 26.04.2018 and took treatment and went to parentage. As she was suffering with ill health, on 06.06.2018, she came to Nandikotkur P.S along with her father Yellappa and gave a complaint against her husband Chinthalaiah (A1) and her in-laws A2 to A5 who beat her with a demand to bring additional dowry of amount to take action against them."

6. The learned counsel for the petitioners would further submit that the allegations against Accused No.1/husband and all the petitioners before this Court in the present petition are omnibus in nature and it is alleged that Accused No.1 demanded additional dowry and beat her with hands and legs and pushed her out from the house and after intervention of caste elders, the

husband/Accused No.1 agreed that the *de facto*-complainant will be looked after in good manner and took her to the house. He would submit that because of the ill treatment faced in the hands of the petitioners, the *de facto*-complainant along with her father, took treatment and went to her parents' house on 26.04.2018.

7. The learned counsel would further submit that the conduct of the complainant has to be looked into by this Court since the incident which has happened on 25.04.2018 was not at all narrated in the complaint nor in the 161 Cr.P.C statement, which indicates that as a counterblast, the said complaint, dated 06.06.2018, is instituted under Section 498A, r/w 34 IPC and Sections 3 & 4 of Dowry Prohibition Act.

8. On the other hand, refuting the arguments advanced by the learned counsel, Sri G. Neelothpal, the learned Assistant Public Prosecutor, would submit though the institution of crime is dated 06.06.2018 and the brain child is 25.04.2018, the same is not mentioned but keeping it apart the allegations mentioned in the complaint have to be looked into separately and both need not be read together since the incident has happened separately. The learned Assistant Public Prosecutor would further submit that the allegations which are mentioned in the petition, which is now before this Court, constitute offences under Section 498A IPC and the same has to be necessarily gone into by the Trial Court and the guilty will surface only after effective trial and argues that

the Court, under Section 482 Cr.P.C. exercising inherent powers, is unwarranted.

9. A holistic reading of the complaint lodged by the complainant, does not disclose about the incident which has happened on 25.04.2018, which ultimately culminated into conviction on all the accused therein, who are none other than the father, mother and other relatives of the *de facto*-complainant. There is nothing for this Court to disbelieve the said act since the records speak for itself, videlicet, convicted by a competent criminal Court. Leaving apart the said arguments, this Court has also ventured into the contents in the chargesheet which is filed after investigation in pursuance of the complaint dated 06.06.2018 and does not indicate any specific overt act/ allegations so as to attract the offences under Section 498A IPC. This Court and the Honb'le Supreme Court, time and again, constantly reminded the investigating authorities to be mindful when investigating the offences under Section 498A IPC and arraying the relatives of the accused/ husband.

10. The Hon'ble Supreme Court in ***Preeti Gupta and Another v. State of Jharkhand and Another***¹, at paragraphs 27, 28 and 35 observed as follows:

27. A three-Judge Bench (of which one of us, Bhandari, J. was the author of the judgment) of this Court in Inder Mohan Goswami and Another v. State of Uttaranchal & Others (2007) 12 SCC 1 comprehensively examined the legal position. The court came to a definite conclusion and the relevant observations of the court are reproduced in para 24 of the said judgment as under:-

¹ (2010) 7 SCC 667

"Inherent powers under section 482 Cr.P.C. though wide have to be exercised sparingly, carefully and with great caution and only when such exercise is justified by the tests specifically laid down in this section itself. Authority of the court exists for the advancement of justice. If any abuse of the process leading to injustice is brought to the notice of the court, then the Court would be justified in preventing injustice by invoking inherent powers in absence of specific provisions in the Statute."

28. We have very carefully considered the averments of the complaint and the statements of all the witnesses recorded at the time of the filing of the complaint. There are no specific allegations against the appellants in the complaint and none of the witnesses have alleged any role of both the appellants.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.

11. The Hon'ble Supreme Court in **Geeta Mehrotra and another vs. State of Uttar Pradesh and another**², at paragraphs 20 and 25, held as follows:

² (2012) 10 SCC 741

20. Coming to the facts of this case, when the contents of the FIR is perused, it is apparent that there are no allegations against Kumari Geeta Mehrotra and Ramji Mehrotra except casual reference of their names who have been included in the FIR but mere casual reference of the names of the family members in a matrimonial dispute without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the fact borne out of experience that there is a tendency to involve the entire family members of the household in the domestic quarrel taking place in a matrimonial dispute specially if it happens soon after the wedding.

25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegation of overt act indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasize by highlighting is that, if the FIR as it stands does not disclose specific allegation against accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognisance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant-wife. It is the well settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of the process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing specially in cases of matrimonial dispute whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of over-implication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding.

12. The Hon'ble Supreme Court in **Arnesh Kumar vs. State of Bihar**³, at paragraphs 4 and 6, held as follows:

4. Section 498-A of the IPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In a quite number of cases, bed-ridden grand-fathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested.

6. We believe that no arrest should be made only because the offence is non-bailable and cognizable and therefore, lawful for the police officers to do so. The existence of the power to arrest is one thing, the justification for the exercise of it is quite another. Apart from power to arrest, the police officers must be able to justify the reasons thereof. No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person. It would be prudent and wise for a police officer that no arrest is made without a reasonable satisfaction reached after some investigation as to the genuineness of the allegation.

13. The Hon'ble Supreme Court in **Dr. Sushil Kumar Purbey & Anr. vs. State of Bihar and Ors.**⁴, at paragraph No.7, held as follows:

7. Having considered the submissions advanced by the parties and upon a careful perusal of the material on record, we are of the view that the High Court fell into error in restricting the quashing of criminal proceedings only to the sister-in-law (respondent no.3). A comparative reading of the FIR reveals that the allegations levelled against the sister-in-law and those against the present appellants are, in all material particulars, identical. The FIR does not assign any specific or overt act to either appellant; there are no particular dates, places, or

³ (2014) 8 SCC 273

⁴ 2026 livelaw (sc) 220

individual acts attributed to them. The lone allegation that stands separately against the present appellants is that they would quarrel. This, however, does not constitute a criminal offence and cannot, by itself, sustain cognizance of the offences under Sections 341, 323, 498A & 34 of the IPC and Sections 3 & 4 of the Dowry Act for which the appellants have been summoned. The standard applied by the High Court in quashing proceedings against the sister-in-law, on the ground that the allegations against her were general and omnibus, applies with equal force to the present appellants, and there is no principled basis for distinguishing between them.

14. The Hon'ble Supreme Court in **Sanjay D. Jain & Ors. Vs. State of Maharastra & Ors.**⁵, at paragraph No.9, held as follows:

9. Before examining the FIR along with the complaint of the complainant, we may refer to the parameters that are to be borne in mind while entertaining the prayer for quashing of the FIR. If the allegations made in the FIR or the complaint, even when taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out any case against the accused, quashing of the proceedings would be justified. Vague and general allegations cannot lead to forming of a prima facie case. As regards the ingredients for making out an offence punishable under Section 498-A of the Penal Code is concerned, the requirement is that there has to be cruelty inflicted against the victim which either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health. The latter part of the provision refers to harassment with a view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives.

15. The Hon'ble Supreme Court in **Kahkashan Kausar @ Sonam vs. State of Bihar**⁶, at paragraph Nos.17 & 21, held as follows:

17. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased

⁵ 2025 INSC 1168

⁶ (2022) 6 SCC 599

tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.

21. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the accused appellants, it would be unjust if the Appellants are forced to go through the tribulations of a trial, i.e., general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must therefore be discouraged.

16. The Hon'ble Supreme Court in **Dara Lakshmi vs. State of Telangana**⁷, at paragraph Nos.30 & 33, held as follows:

30. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and

⁷ 2025 (3) SCC 735

his family in the absence of a clear prima facie case against them.

33. Further, this Court in *Preeti Gupta vs. State of Jharkhand* (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection.

17. The Hon'ble Supreme Court in ***K. Subba Rao vs. State of Telangana***⁸, at paragraph Nos.5 & 6, held as follows:

5. A perusal of the charge sheet and the supplementary charge sheet discloses the fact that the Appellants are not the immediate family members of the third Respondent/husband. They are the maternal uncles of the third Respondent. Except the bald statement that they supported the third Respondent who was harassing the second Respondent for dowry and that they conspired with the third Respondent for taking away his child to the U.S.A., nothing else indicating their involvement in the crime was mentioned. The Appellants approached the High Court when the investigation was pending. The charge sheet and the supplementary charge sheet were filed after disposal of the case by the High Court.

6. Criminal proceedings are not normally interdicted by us at the interlocutory stage unless there is an abuse of process of a Court. This Court, at the same time, does not hesitate to interfere to secure the ends of justice. See *State of Haryana v. Bhajan Lal* 1992 Supp. (1) SCC

"The Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out"

⁸ (2018) 14 SCC 452

18. The Hon'ble Supreme Court in **G.V. Rao vs. L.H.V. Prasad & Ors.**⁹, at paragraph No.12, held as follows:

12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts.

19. The Hon'ble Supreme Court in **Abhishek vs. State of Madhya Pradesh**¹⁰, at paragraph Nos.16 & 17, held as follows:

16. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in Kahkashan Kausar alias Sonam and others vs. State of Bihar and others [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused to quash a FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court

⁹ (2000) 3 SCC 93

¹⁰ (2023) SCC OnLine SC 1083

observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged.

17. In *Preeti Gupta and another vs. State of Jharkhand and another* [(2010) 7 SCC 667], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. It was observed that the Courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.

20. The Hon'ble Supreme Court in ***Archin Gupta vs. State of Haryana***¹¹, at paragraph Nos.24 & 35, held as follows:

24. If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, *prima facie*, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute.

35. In one of the recent pronouncements of this Court in *Mahmood Ali & Ors. v. State of U.P & Ors.*, 2023 SCC OnLine SC 950, authored by one of us (J.B. Pardiwala, J.), the

¹¹ (2025) 3 SCC 756

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.

21. The Hon'ble Supreme Court in **Geddam Jhansi vs. State of Telangana**¹², at paragraph Nos.24 & 35, held as follows:

35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who are accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated to the victim, and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence, unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without prima facie evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence, would amount to abuse of the process of law.

¹² (2025) SCC OnLine SC 263

36. Our observations, however, should not be generalised to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. Each and every case of domestic violence will thus depend on the peculiar facts obtaining in each case.

22. Hon'ble Justice B. Nagarathna, in the case of **Dara Lakshmi Narayana** (supra), has clearly elucidated as to how and when the investigation authorities should confine and make liable the relatives of the accused, including Accused No.1 and, in the absence of such incriminating allegations, the continuance of the case under Section 498A IPC is unwarranted and leaving open the criminal proceedings in motion will be contrary to law. The Hon'ble Supreme Court has categorically pointed out that during the course of investigation, the investigation officer should be cautious so as to ascertain whether the offences attract Section 498A IPC. This Court is cogent of the fact that the allegations in the complaint against Accused No.1/husband cannot be taken lightly and quashed in exercise of the powers under Section 482 Cr.P.C. But, in the present case, taking into consideration the order, which is passed on 12.03.2022, in C.C.No.207 of 2018 by the Judicial Magistrate of First Class, Nandikotkur, this Court is of the firm opinion that this is a fit case where inherent exercise of jurisdiction is necessarily warranted by this Court to quash the impugned proceedings vide C.C.No.211 of 2018, on the file of Judicial First Class Magistrate, Nandikotkur, Nandyal District.

23. To a pointed question, as to the stage of the trial in C.C.No.211 of 2018, it is stated across the Bench that, in view of the interim order passed by this Court at the initial stage, the trial has not yet commenced. The said fact also weighed to the Court's mind to pass this order for quashing C.C.No.211 of 2018.

24. Upon concatenation of all the facts and the law enunciated by the Hon'ble Supreme Court referred above, the Criminal Petition is allowed *inter alia* quashing C.C.No.211 of 2018 on the file of Judicial Magistrate of First Class, Nandikotkur, Nandyal District, against all the accused.

25. Resultantly, the Crl.P. No.7328 of 2022 is allowed. There shall be no order as to costs.

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

TUHIN KUMAR GEDELA, J

Date:11.08.2026
MJA

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THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL PETITION NO: 7328/2022

11.08.2026

MJA