IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.2910 of 2026

(CNR No. HBHC010128472026)

DATED: 01ST OCTOBER, 2026

Between:

Vamshi Krishna Parepalli … Petitioner-accused No.1

AND

State of Telangana, represented by Police WPS-IT Corridor, Cyberabad, through Public Prosecutor, High Court for State of Telangana at Hyderabad and another

…Respondents

: O R D E R :

This Criminal Petition is filed by the petitioner-accused No.1 seeking to quash the proceedings against him in Crime No.39 of 2026 of WPS-IT Corridor, Cyberabad, Cyberabad District, registered for the offences punishable under Sections 85, 115(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS').

02. Heard Mr. Baglekar Akash Kumar, learned counsel for the petitioner, and Mr. M. Vivekananda Reddy, learned Assistant Public Prosecutor appearing for respondent No.1-State. Though notice was served on respondent No.2, none appeared on her behalf. Perused the material available on record.

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03. The marriage between the petitioner-accused No.1 and respondent No.2 was solemnized on 24.05.2018. At the time of marriage, the parents of respondent No.2 allegedly presented 100 grams of gold, one kilogram of silver and an amount of Rs.10,00,000/- to the petitioner. After the marriage, the petitioner and respondent No.2 stayed at Pragathi Nagar for about one week, whereafter the petitioner left for the United States of America (USA), while respondent No.2 went to Nizamabad. Subsequently, respondent No.2 joined the petitioner in the USA. It is alleged that, while residing in the USA, respondent No.2 became pregnant and returned to India for delivery, where she gave birth to a son. Thereafter, in March 2023, she again went to the USA and joined the petitioner. It is alleged that the petitioner subjected respondent No.2 to physical and mental cruelty, suspected her fidelity, deprived her of food, beat her and attempted to kill her and their son by hitting them with a car while they were on the road. Respondent No.2 is stated to have lodged a complaint with the police in the USA in relation to the alleged incidents. She subsequently returned to India and has been residing separately from the petitioner since August 2025. It is further alleged that the petitioner threatened to commit suicide. On the basis of the complaint lodged by respondent No.2, the present crime was registered.

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04.1. Learned counsel for the petitioner contended that the petitioner has been falsely implicated on account of matrimonial disputes between the parties. He submitted that the allegations in the complaint primarily relate to incidents that allegedly occurred in the USA and that respondent No.2 herself had approached the police authorities there in respect of the alleged incidents. According to him, the registration of the present crime, in the absence of any specific incident constituting an offence within India, is unsustainable.

04.2. Learned counsel further contended that the ingredients of the offences alleged against the petitioner are not made out. He submitted that the allegation that the petitioner threatened to commit suicide does not, by itself, constitute criminal intimidation under Section 351(2) of the BNS, and that the complaint does not disclose the essential ingredients of intentional insult with intent or knowledge of provoking a breach of public peace, as contemplated under Section 352 of the BNS. He also brought to the notice of this Court that the marriage between the petitioner and respondent No.2 was dissolved by a decree dated 10.08.2026 passed by a Court in the USA and submitted that continuation of the criminal proceedings would amount to an abuse of the process of law.

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05. On the other hand, the learned Assistant Public Prosecutor submitted that the allegations made by respondent No.2 disclose acts of physical and mental cruelty and other offences warranting investigation and prosecution. He contended that the truth or otherwise of the allegations has to be determined during trial and that the proceedings cannot be quashed at this stage.

06. Having considered the rival submissions and perused the material available on record, the question that arises for consideration is whether the allegations made against the petitioner disclose the commission of the offences alleged and whether the continuation of the proceedings against him is legally sustainable. It is an admitted fact that the matrimonial relationship between the parties has been dissolved by a decree of divorce dated 10.08.2026. A material aspect emerging from the complaint is that the alleged acts of physical and mental cruelty, assault and the incident involving the car occurred in the USA. Respondent No.2 is also stated to have approached the police authorities in the USA in relation to the alleged incidents. The material placed before this Court does not disclose any specific act constituting the offences alleged to have been committed by the petitioner within the territorial limits of India, apart from

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the lodging of the complaint and the consequential registration of the present crime.

07. Insofar as Section 351(2) of the BNS is concerned, criminal intimidation requires a threat of injury to the person, reputation or property of the person threatened, or to the person or reputation of someone in whom that person is interested, coupled with the requisite intention to cause alarm or to compel the person to do or omit an act as specified in the provision. The allegation that the petitioner threatened to commit suicide must be examined in the light of these essential ingredients. A bare statement that the petitioner threatened to commit suicide, without the necessary particulars establishing the statutory elements of criminal intimidation, cannot automatically be treated as sufficient to constitute the offence.

08. Likewise, Section 352 of the BNS requires intentional insult accompanied by the intention or knowledge that such provocation is likely to cause the person insulted to break the public peace or commit another offence. The allegations, as summarised before this Court, do not specify the words or acts constituting the alleged intentional insult or disclose the requisite intention or knowledge contemplated by the provision. Thus, the

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mere existence of matrimonial discord, without allegations satisfying the statutory ingredients, would not be sufficient to sustain a prosecution under Section 352 of the BNS.

09. In view of the facts and circumstances of the present case, it apposite to refer to the decision of the Honourable Supreme Court of India in ***Dara Lakshmi Narayana and others v. State of Telangana and another***[1] wherein at Paragraph Nos.18, 24, 25, 28, 29, 31 & 32 it was held that:

> *"**18**. A bare perusal of the FIR shows that the allegations made by respondent No.2 are vague and omnibus. Other than claiming that appellant No.1 harassed her and that appellant Nos.2 to 6 instigated him to do so, respondent No.2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred. Therefore, the FIR lacks concrete and precise allegations.*
>
> ***24**. Insofar as appellant Nos.2 to 6 are concerned, we find that they have no connection to the matter at hand and have been dragged into the web of crime without any rhyme or reason. A perusal of the FIR would indicate that no substantial and specific allegations have been made against appellant Nos.2 to 6 other than stating that they used to instigate appellant No.1 for demanding more dowry. It is also an admitted fact that they never resided with the couple namely appellant No.1 and respondent No.2 and their children. Appellant Nos.2 and 3 resided together at Guntakal, Andhra Pradesh. Appellant Nos. 4 to 6 live in Nellore, Bengaluru and Guntur respectively.*

[1] AIR 2025 SUPREME COURT 173

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***25**. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.*

***28**. 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,*

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cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

***29**. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.*

***31**. 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 realties 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.*

***32**. We, therefore, are of the opinion that the impugned FIR No.82 of 2022 filed by respondent No.2 was initiated with ulterior motives to settle personal scores and grudges against appellant No.1 and his family members i.e., appellant Nos.2 to 6 herein. Hence, the present case at hand falls within category (7) of illustrative parameters highlighted in Bhajan Lal. Therefore, the High Court, in the present case, erred in not exercising the powers available to it under Section 482 CrPC and thereby, failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants."*

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10. In ***State of Haryana and others v. Ch.Bhajan Lal and others***[2] the Hon'ble Supreme Court of India held that:

> *"In the exercise of the extra-ordinary power under Article 226 or the inherent powers under Section 482 of the Code of Criminal Procedure, the following categories of cases are given 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 channelised and inflexible guide 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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> ***(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;*

[2] 1992 SCC (SUPP) 1 335

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> ***(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."*

11. In the present case, as observed supra, the matrimonial relationship between the parties has been dissolved by a decree of divorce dated 10.08.2026. The alleged acts of physical and mental cruelty, assault and the incident involving the car are stated to have occurred in the USA, where respondent No.2 is also stated to have approached the police authorities. The material on record does not disclose any specific act constituting the alleged offences having been committed by the petitioner-accused No.1 within the territorial limits of India. Further, the allegations do not prima facie satisfy the essential ingredients of criminal intimidation under Section 351(2) of the BNS or intentional insult under Section 352 of the BNS. Hence, even if the allegations in the complaint and FIR are accepted in their entirety, they do not prima facie disclose the commission of the alleged offences by the petitioner-accused No.1.

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12. In view of the aforementioned facts and circumstances and having regard to the well-settled principles of law enunciated by the Honourable Supreme Court in the decisions referred supra, this Court is of the considered view that the essential ingredients necessary to constitute the alleged offences under Sections 85, 115(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 are not made out against the petitioner-accused No.1. Hence, the continuation of the criminal proceedings against the petitioner-accused No.1 amounts to abuse of process of law and the same are liable to be quashed.

13. Accordingly, the Criminal Petition is allowed, and the proceedings against the petitioner-accused No.1 in Crime No.39 of 2026 of WPS-IT Corridor, Cyberabad, Cyberabad District, for the offences punishable under Sections 85, 115(2), 351(2) and 352 of the BNS, are hereby quashed.

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

JUVVADI SRIDEVI, J

Date: 01.10.2026
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