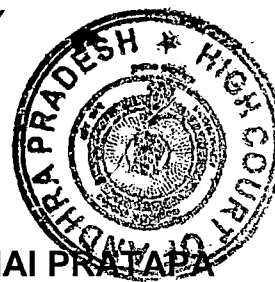


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE FIRST DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA



CRIMINAL PETITION NO: 1284 OF 2021

Between:

A Sujatha Kumari, W/o Late C. Sudhakar Babu, aged about 63 years, Occ.  
Nil, R/o Flat No. 401, 4th G Main, Lay out 2nd block Kalyana Nagar,  
Bangalore - 560043.

...PETITIONER / ACCUSED

AND

1. State of A.P. Rep. by its Public Prosecutor, High Court, Amaravathi,  
Andhra Pradesh.
2. M. Roopa, W/o thilaknath, R/o H.No. 9-15, Manner Nayuni Palli Village,  
Gangavaram, Palamaner, Chittoor District.

...RESPONDENTS / DEFACTO COMPLAINANT

Petition under Section 482 of Cr.P.C is filed praying that in the  
circumstances stated in the Memorandum of Grounds of Criminal Petition,  
the High Court may be pleased to quash the proceedings against the  
Petitioner / Accused No.2 in CC.No.444/2020 on the file of the Judicial  
Magistrate of First Class, Palamaner, Chittoor District.

**I.A. NO: 2 OF 2021**

Petition under Section 482 of Cr.P.C is filed 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 in CC.No.444/2020 on the file of the Judicial Magistrate of First Class, Palamaner, Chittoor District.

**I.A. NO: 1 OF 2022**

**Between:**

M. Roopa, W/o thilaknath, R/o H.No. 9-15, Manner Nayuni Palli Village,  
Gangavaram, Palamaner, Chittoor District.

**... RESPONDENT / PETITIONER**

**AND**

1. A Sujatha Kumari, W/o Late C. Sudhakar Babu, aged about 63 years, Occ.  
Nil, R/o Flat No. 401, 4th G Main, Lay out 2nd block Kalyana Nagar,  
Bangalore - 560043.

**...PETITIONER / RESPONDENT**

2. State of A.P. Rep. by its Public Prosecutor, High Court, Amaravathi,  
Andhra Pradesh.

Petition under Section 482 of CRPC is filed praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to vacate the stay order dated 28.04.2022 in 1.A. No.2 of 2021 in CrI.P.No.1284 of 2021.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri.Venkateswarlu Sanisetty, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri. D. Kishore Kumar, Advocate for the Respondent No.2.

**The Court made the following ORDER :**



THURSDAY, THE FIRST DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 1284 OF 2021

Between:

1. A SUJATHA KUMARI, W/o Late C. Sudhakar Babu, aged about 63 years, Occ. Nil, R/o Flat No. 401, 4th G Main, Lay out 2nd block Kalyana Nagar, Bangalore - 560043.

...PETITIONER/ACCUSED(S)

AND

1. STATE OF AP, Rep. by its Public Prosecutor, High court, Amaravathi, Andhra Pradesh.
2. M Roopa, W/o thilaknath, R/o H.No. 9-15, Manner Nayuni Palli Village, Gangavaram, Palamaner, Chittoor District.

...RESPONDENT/COMPLAINANTS

Petition under Section 437/438/439/482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court To quash the proceedings against the Petitioner/Accused No.2 in Cc.No.444/2020 on the file of the Honourable Judicial Magistrate of First Class, Palamaner, Chittoor District and pass.

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Vacate the STAY Order dated 28.04.2022 in 1.A. No.2 of 2021 in CRLP No.1284 of 2021, and dismiss the above Quash petition and pass such order or orders

I.A. NO: 1 OF 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with the filing of the certified copy of the FIR in Crime NO. 311/2019 on the file of Gangavaram Police station and to pass.

**I.A. NO: 2 OF 2021**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased To stay of all further proceedings in CC.No.444/2020 on the file of the Honourable Judicial Magistrate of First Class, Palamaner, Chittoor District and pass.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri VENKATESWARLU SANISETTY ,Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No. and of Sri \_Advocate for the Respondent No.

**The Court made the following:**

**ORDER:**

The instant petition under Section 482 of Code of Criminal Procedure, 1973<sup>1</sup> has been filed by the Petitioner/Accused No.2, seeking quashment of proceedings against her in C.C.No.444 of 2020 on the file of the Court of Judicial Magistrate of First Class, Palamaner, Chittoor District registered for the offences punishable under Section 498-A of the Indian Penal Code<sup>2</sup> and Sections 3 and 4 of the Dowry Prohibition Act<sup>3</sup>.

2. Petitioner herein is Accused No.2 in the above C.C and she is the mother-in-law of Respondent No.2/*de facto* complainant.

**3. Brief facts of the case are:**

a. The marriage of the *de facto* complainant with Accused No.1 was performed on 23.02.2015. Accused No.1 was working as a Software Engineer. At the time of marriage, as per the demand of the accused, the parents of the *de facto* complainant presented 20 sovereigns of gold ornaments, household articles

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<sup>1</sup> for short 'Cr.P.C'

<sup>2</sup> for short 'IPC'

<sup>3</sup> for short 'D.P.Act'

and spent an amount of Rs.5 lakhs towards marriage expenses. Thereafter the marriage of Accused No.3 was performed with Accused No.4. Accused Nos.1 to 4 used to harass the *de facto* complainant to bring additional dowry of Rs.5 lakhs saying that Accused No.4 brought dowry of Rs.5 lakhs. Accused No.1 used to harass the *de facto* complainant both mentally and physically by suspecting her fidelity. Accused Nos.1 and 2 caught hold the tuft of the *de facto* complainant and beat her and Accused Nos.3 and 4 abused her in filthy language and they all had driven the *de facto* complainant out of the house. Though the parents of the *de facto* complainant requested to take back the *de facto* complainant to her marital fold, all the accused did not heed to them.

b. Having no other go, the *de facto* complainant lodged a complaint before Gangavaram Police Station and the same was registered as a case in Crime No.311 of 2020 for the offence under Section 498-A IPC and Sections 3 and 4 of the D.P.Act. After investigation, a charge sheet was filed against the accused and the same was numbered as C.C.No.444 of 2020 before the Court of learned Judicial Magistrate of First Class, Palamaner for the above-mentioned offences.

c. The present petition is filed to quash the proceedings in the above C.C against the petitioner/Accused No.2.

#### **Arguments Advanced at the Bar**

4. Heard Sri Venkateswarlu Sanisetty, learned counsel for the petitioner and Ms.D.Prasanna Lakshmi learned Assistant Public Prosecutor for State/Respondent No.1. Despite sufficient opportunity, learned counsel for Respondent No.2 did not turn up to submit their arguments.

5. Learned counsel for the petitioner/Accused No.2 would submit that the allegations made against the Petitioner do not attract the alleged offences and only to settle the issue with Accused No.1 and to pressurize him, Respondent No.2 filed the criminal case. The FIR was registered based on the vague allegations to implicate the petitioner in the case. The learned counsel would further submit that the allegations made in the FIR as well as the charge sheet do not disclose the commission of any offence and make out a case against the petitioner. It is also stated that unfair to compel the petitioner to undergo the rigmarole of a criminal trial in the absence of any offences mentioned in the FIR.

6. Refuting the arguments referred to above, learned Assistant Public Prosecutor would submit that there are no grounds to quash the case against petitioner. She would submit that the allegations made against the petitioner would squarely attract the offence alleged against him and therefore, the criminal proceedings should not be quashed against petitioner. Hence, prayed to dismiss the petition.

#### **Point for Determination**

7. Having heard the submissions of the learned counsel representing both the parties, now the point that would emerge for determination is:

*Whether there are any justifiable grounds for quashment of proceedings against the Petitioner/ Accused No.2 in C.C.No.444 of 2020 on the file of the Court of Judicial Magistrate of First Class, Palamaner, Chittoor District registered for the offences punishable under Sections 498-A IPC and Sections 3 and 4 of D.P.Act?*

### Determination by the Court

8. A bare perusal of Section 482 makes it clear that the Code envisages that inherent powers of the High Court are not limited or affected so as to make orders as may be necessary; (i) *to give effect to any order under the Code or, (ii) to prevent abuse of the process of any Court or, otherwise (iii) to secure ends of justice.* A court while sitting in Section 482 jurisdiction is not functioning as a court of appeal or a court of revision. It must exercise its powers to do real and substantial justice, depending on the facts and circumstances of the case. These powers must be invoked for compelling reasons of abuse of process of law or glaring injustice, which are against sound principles of criminal jurisprudence.

9. The contents of the complaint lodged by the *de facto* complainant would disclose that Accused No.1 and the Petitioner/Accused No.2 used to harass the *de facto* complainant both mentally and physically by demanding addition dowry of Rs.5 lakhs. Allegations mentioned in the charge sheet as well as the complaint would attract the offence under Section 498-A IPC and Sections 3 and 4 of D.P. Act. Truth or otherwise of the said allegations must be decided during the course of trial before the Trial Court. It is not open for the Court to stifle proceedings by entering into merits of the contentions made on behalf of the petitioner and the criminal proceedings cannot be quashed at this stage since the ingredients of the offences alleged against the petitioner are *prima facie* made out. Therefore, at this stage, there are absolutely no valid legal grounds emanating from the record warranting interference of this Court, in exercise of its inherent powers under Section 482 Cr.P.C. to quash the charge sheet. Hence, the Criminal Petition lacks merit.



10. Without prejudice to the available defence in future, the quash petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

**SD/- B.CHITTI JOSEPH**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To**

1. The Judicial Magistrate of First Class, Palamaner, Chittoor District.
2. One CC to Sri Venkateswarlu Sanisetty, Advocate [OPUC]
3. One CC to Sri D. Kishore Kumar, Advocate [OPUC]
4. Two CCs to the Public Prosecutor (AP), High Court of A.P. (OUT)
5. THREE CD COPIES

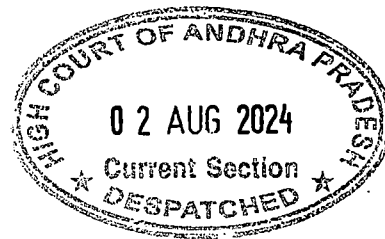
**TAC**

**HIGH COURT**

**DATED:01/02/2024**

**ORDER**

**CRL.P.No.1284 of 2021**



**DISMISSING THE CRLP  
WITHOUT COSTS.**