

APHC010333052023



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

[3457]

THURSDAY ,THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 4896/2023

Between:

Basuru Mani Bhushana Rao and ...PETITIONER/ACCUSED(S)
Others

AND

The State Of Andhra ...RESPONDENT/COMPLAINANT(S)
Pradesh and Others

Counsel for the Petitioner/accused(S):

1. M L NEELIMA

Counsel for the Respondent/complainant(S):

1. TOTA TEJESWARA RAO

2. PUBLIC PROSECUTOR (AP)

HON'BLE SRI JUSTICE HARINATH.N**CRLP.No.4896 of 2023****ORDER:**

1. The petition is filed by accused 2 to 5 in CC 623 of 2023 on the file of Judicial Magistrate of First Class come Principal Junior Civil Judge Srikakulam. The petitioners 1 and 2 are the parents of the first accused. Petitioners 3 and 4 are the sisters of the first accused. It is also submitted that the petitioners did not interfere in the marital disputes between the first accused and the third respondent. However, the petitioners are arraigned as accused to harass the petitioners and to trouble them. It is further submitted that, insofar as petitioners 3 and 4 are concerned, they, after their marriage, have been living separately in a different city and different part of the country. It is further submitted that, even as per the complaint or as per the statements recorded by the investigating officer, during the course of investigation, none of the witnesses speak any specific allegations against the petitioners three and four.
2. It is further submitted by the Learned counsel appearing for the petitioner that even as seen from the complaint, the

allegations against the petitioners are vague, omnibus and lack specific details as to the alleged dates of harassment which the petitioners are said to have meted to the third respondent. Even as per the statements of the listed witnesses none of the witnesses speak about the involvement of the petitioners specifically which would attract the provisions of Section 498A IPC or Section 3 and 4 of dowry prohibition act.

3. In absence of any specific allegations against the petitioners continuation of the case against the petitioners would only result in harassment of the petitioners for no fault of theirs.
4. Heard the learned counsel appearing for the petitioner and the Learned Assistant Public Prosecutor for the State. And also the learned counsel appearing for the respondent No.3. Perused the record.
5. The investigating officer has recorded the statements of 10 witnesses. The complaint as filed by the third respondent would not reveal any specific allegations insofar as petitioners 3 and 4 are concerned. The only allegation

against the petitioners 3 and 4 is that the petitioners 3 and 4 were taunting the 3rd respondent as she did not conceive.

6. The listed witnesses also do not specifically state as to the involvement of petitioners 3 and 4 in the marital disputes between the first accused and the third respondent. That apart, as seen from the statements of the listed witnesses, the common allegation against the petitioners 3 and 4 is that the petitioners 3 and 4 were taunting the third respondent for not being able to conceive and have children.
7. It is also alleged against the petitioners 3 and 4 that they were instigating the first accused to harass the third respondent. Going by the allegations made in the complaint and as seen from the record of the witness statements recorded by the police, even if the allegations made against the petitioners 3 and 4 are to be taken as true and correct for the purpose of the case, no case can be made out against the petitioners 3 and 4 under Section 498 A of IPC or Section 3 and 4 of Dowry Prohibition Act.
8. Admittedly, the petitioners 3 and 4 after their marriage were staying away from the marital home of the 1st accused and

the 3rd respondent. Even as per the complaint, the third respondent had joined the 1st accused and the petitioners 2 and 3 at Hyderabad. The only reference to the petitioners 3 and 4 is to the effect that, whenever they were visiting the home where the accused No.1 and the 3rd respondent were residing, they were taunting the third respondent for not being able to conceive, such vague allegations without any specific details as to on what date and when the said taunting was resorted to by petitioners 3 and 4 cannot sustain the scrutiny of law. Taunting on the ground of not being able to conceive cannot be taken as sufficient grounds for continuation of proceedings against petitioners 3 and 4 under Section 498-A IPC and Section 3 and 4 of DP Act. As such, this case is another where the unconnected relatives of the first accused are roped in as accused only for wreaking out vengeance against the first accused.

9. The petitioners 3 and 4, soon after their marriage, were staying away and as such could not have resorted to any harassment to the third respondent and the allegations against the petitioners 3 and 4 cannot be considered as

sufficient for punishing them for the of offences under Section 498A of IPC and 3 and 4 of DP Act.

10. For these considerations, this court is of the considered view that the case against the petitioners 3 and 4 deserves to be quashed. Accordingly, CC.No.623 of 2022 on the file of Judicial Magistrate of First Class – Cum – Principal Civil Judge, Srikakulam is hereby quashed against petitioners 3 and 4 is alone quashed.

11. The criminal petition is allowed in part.

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

JUSTICE HARINATH.N

24.04.2025
KGM

HON'BLE SRI JUSTICE HARINATH.N

CRLP.No.4896 of 2023
Dated 24.04.2025

KGM