



**IN THE HIGH COURT OF ANDHRA PRADESH**

**AT AMARAVATI**

**[3396]**

**(Special Original Jurisdiction)**

FRIDAY ,THE TWENTY EIGHTH DAY OF JUNE  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**CRIMINAL PETITION NO: 1417/2020**

**Between:**

John Srampikal and Others

**...PETITIONER/ACCUSED(S)**

**AND**

The State Of Andhra Pradesh and  
Others

**...RESPONDENT/COMPLAINANT(S)**

**Counsel for the Petitioner/accused(S):**

1.P V N KIRAN KUMAR

**Counsel for the Respondent/complainant(S):**

1.PUBLIC PROSECUTOR (AP)

**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 Petitioners/Accused Nos.6 and 7, seeking quashment of proceedings against them in C.C.No.49 of 2018 on the file of the Court of VI Additional Junior Civil Judge, Guntur, registered for the offences punishable under Section 498-A of the Indian Penal Code,1860<sup>2</sup> and Sections 3 and 4 of the Dowry Prohibition Act,1961<sup>3</sup>.

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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'

2. The brief case, as per the charge sheet, is as follows:

a. Marriage of the Respondent No.2/Complainant with the Accused No.1 was performed and at the time of marriage, parents of Complainant gave Rs.1,00,000/- to Accused No.1 and got opened a Cell Point Shop by Accused No.1 and due to poor maintenance, the said shop was closed. Thereafter, Accused No.1, at the instigation of Accused Nos.2 and 3, started harassing the Complainant by demanding additional dowry.

b. As such, the Complainant filed a case *vide* C.C.No.457 of 2009 against Accused Nos.1 to 3 at Old Guntur Police Station and the same was compromised between the parties in Lok Adalat on 02.02.2010 before this Court with a direction to Accused No.1 to look after the welfare of the Complainant. But, the Accused No.1 continued his harassment towards the Complainant, at the instigation of Accused Nos.2 to 7.

c. Accused No.1 left the complainant when they were residing at Chilakaluripet and went away to Kerala and having no other go, the Complainant has been residing along with her parents. When the Complainant contacted Accused Nos.2 to 7 and asked the whereabouts of Accused No.1, they abused her in filthy language and also threatened with dire consequences. Hence, the Complainant lodged, the present complaint, *vide* Cr.No.211 of 2013 for the offences under Section 498-A IPC and Sections 3 and 4 of D.P. Act. Police after due investigation, filed charge sheet against Accused Nos.1 to 4 for the above said offences,

which was numbered as C.C.No.49 of 2018 on the file of the Court of VI Additional Junior Civil Judge, Guntur.

**Grounds sought for quashment:**

3. Aggrieved by the registration of the said case, the present petition is filed by Petitioners/Accused Nos.6 and 7 to quash the proceedings against them in the above C.C on the following grounds:

a. Petitioners were implicated in the present case without there being any reason and though the Petitioners are not at all the relatives of Accused No.1.

b. No offence is made out against the Petitioners.

c. Since the Petitioners are not the blood relatives of Accused No.1, the offences under Section 498-A IPC does not attract against them.

d. There are no specific allegations against the Petitioners.

**Arguments Advanced at the Bar**

4. Heard Sri P.V.N.Kiran Kumar, learned counsel for the Petitioners and Ms.D.Prasanna Lakshmi learned Assistant Public Prosecutor for State/Respondent No.1. Despite service of notice, none appeared for Respondent No.2.

5. Learned counsel for the Petitioners would submit that the Petitioners are Accused Nos.6 and 7, who are the owners of the house where the Complainant and Accused No.1 resided for some time and that the Petitioners are not the relatives of Accused No.1. It is submitted

further that the Petitioners are Christians, whereas, Accused No.1 is a Muslim and since the Petitioners interfered to resolve the disputes between the couple, the present case has been lodged by implicating the Petitioners. It is concluded that the continuation of the criminal proceedings against the Petitioners/Accused Nos.6 and 7 is an abuse of process of law.

6. Learned Assistant Public Prosecutor would submit that there are no grounds to interfere and would submit that as per the charge sheet, Petitioners are the relatives of Accused No.1, whereas, in the complaint, Respondent No.2 never stated that the Petitioners are the relatives of Accused No.1.

#### **Point for Determination**

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

*Whether there are any justifiable grounds for quashment of proceedings against the Petitioners/ Accused Nos.6 and 7 in C.C.No.49 of 2018 on the file of the Court of VI Additional Junior Civil Judge, Guntur?*

#### **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 trial court, 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. Section 498-A of I.P.C. is a powerful weapon engrafted by the law, to the rescue of a married woman, subjected to cruelty or harassment by husband or by the relative of husband. The Hon'ble Apex Court in **U. Suvetha v. State**<sup>4</sup>, interpreted the term "relative" as appearing in Section 498A of I.P.C., in the following terms:

*"9. The word "cruelty" having been defined in terms of the aforesaid Explanation, no other meaning can be attributed thereto. Living with another woman may be an act of cruelty on the part of the husband for the purpose of judicial separation or dissolution of marriage but the same, in our opinion, would not attract the wrath of Section 498-A of the Penal Code. An offence in terms of the said provision is committed by the persons specified therein. **They have to be the "husband" or his "relative". Either the husband of the woman or his relative must have subjected her to cruelty within the aforementioned provision.** If the appellant had not (sic) been instigating the husband of the first informant to torture her, as has been noticed by the High Court, the husband would be committing some offence punishable under the other provisions of the Penal Code and the appellant may be held guilty for abetment of commission of such an offence but not an offence under Section 498-A of the Penal Code.*

*10. 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*

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<sup>4</sup> (2009) 3 SCC (Cri.) 36

*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.*

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13. Furthermore, Section 498-A is a penal one. It, thus, deserves strict construction. Ordinarily, save and except where a contextual meaning is required to be given to a statute, a penal provision is required to be construed strictly. This Court in *T. Ashok Pai v. CIT [(2007) 7 SCC 162 : (2007) 8 Scale 354]* held as under: (SCC p. 168, para 17)

*“17. It is now a well-settled principle of law that the more stringent is the law, more strict construction thereof would be necessary. Even when the burden is required to be discharged by an assessee, it would not be as heavy as on the prosecution. (See P.N. Krishna Lal v. Govt. of Kerala [1995 Supp (2) SCC 187 : 1995 SCC (Cri) 466] .)”*

*(Emphasis supplied)*

10. This Court in has reiterated the view expressed in **U. Suvetha** (referred supra) that persons who are not the relatives of the husband cannot be inflicted with offence under Section 498-A in **Siridarika Tatarao v. State of A.P.**,<sup>5</sup> **B. Saritha Rajya Lakshmi v. State of A.P.**<sup>6</sup> and **Venkata Naga Malleswari Anamaripudi v. State of A.P.**<sup>7</sup>

11. In the case on hand, in the charge sheet, it is alleged that the Petitioners/Accused Nos.6 and 7 are the relatives of Accused No.1 and that when the Complainant contacted Accused Nos.2 to 7 to know the whereabouts of Accused No.1, they abused her in filthy language and threatened with dire consequences that they would kill her and her parents if she tries to contact them. The charge sheet further discloses that the Petitioners/Accused Nos.6 and 7 are Christians and the other

<sup>5</sup> 2024 SCC OnLine AP 1997

<sup>6</sup> 2024 SCC OnLine AP 382

<sup>7</sup> 2023 SCC OnLine AP 4319

Accused and the Complainant are Muslims. Whereas, the complaint would reveal that, Accused No.1 and the Complainant used to work in the school of Petitioners/Accused Nos.6 and 7 at Chilakaluripet and on one day, the Petitioners insulted the Complainant in front of Accused No.1 and other staff by commenting her teaching capacity and her educational qualification. Nowhere, in the complaint, it is averred that the Petitioners are the relatives of Accused No.1. On the conglomeration of the facts and circumstances, it can be held that they are not the relatives of the family of the Accused. Such being the case, invoking Section 498-A I.P.C. against the Petitioners is unwarranted.

**12.** Further, nowhere, either in the charge sheet or in the complaint, it is mentioned about the involvement of the Petitioners in the commission of the offence under Sections 3 and 4 of D.P. Act. Allegations made in the complaint or charge sheet do not *prima facie* constitute any offence or make out a case against the Petitioners/Accused Nos.6 and 7 for the offences under Section 498-A IPC and Sections 3 and 4 of D.P.Act. In such circumstances, this Court is of the view that continuation of proceedings against the Petitioners/Accused Nos.6 and 7 is an abuse of process of law and hence, the proceedings against them are liable to be quashed.

**13.** In result, the Criminal Petition is allowed. The proceedings against Petitioners/Accused Nos.6 and 7 in C.C.No.49 of 2018 on the file of the

Court of VI Additional Junior Civil Judge, Guntur, for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, are hereby quashed.

Pending miscellaneous petitions, if any, shall stand closed.

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**JUSTICE VENKATA JYOTHIRMAI PRATAPA**

Date:28.06.2024

*Dinesh*

*L.R.Copy to be marked*

**HON'BLE SMT. JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**Crl.P.No.1417 of 2020**

**Dt.28.06.2024**

*Dinesh*

**IN THE HIGH COURT OF ANDHRA PRADESH, AMARAVATI**

**CRIMINAL PETITION No.1417 of 2020**

**Between:**

1. JOHN SRAMPIKAL, S/O.ULA HASSAIN SRAMPICKAL, AGED ABOUT 60 YEARS, OCC. SCHOOL CORRESPONDENT, R/O. DOOR NO.35-319/1, NEAR ST.XYASIR ENGLISH MEDIUM SCHOOL, PURUSHOTHAPATNAM, CHILAKALURIPET, GUNTUR DISTRICT.
2. SRAMPIKAL BYSIYAMMA JOHN, W/O. JOHN SRAMPIKAL, AGED ABOUT 57 YEARS, OCC. TEACHER, R/O. DOOR NO.35-319/1, NEAR ST.XYASIR ENGLISH MEDIUM SCHOOL, PURUSHOTHAPATNAM, CHILAKALURIPET, GUNTUR DISTRICT.

**...PETITIONER/ACCUSED(S)**

**AND**

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI.
2. SHAIK JAHARA BEGUM, , W/O. AJEESH BASHEER NASSEHA, AGED ABOUT 39 YEARS, OCC. HOUSE WIFE, R/O.DOOR NO.15-10-34, 2ND LANE, VINOBBHANAGAR, OLD GUNTUR, GUNTUR, GUNTUR DISTRICT.

**...RESPONDENT/COMPLAINANT(S):**

DATE OF JUDGMENT PRONOUNCED: **28.06.2024**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SMT. JUSTICE VENKATA JYOTHIRMAI PRATAPA**

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| 1. | Whether Reporters of Local Newspapers may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters / Journals? | Yes/No |
| 3. | Whether Her Lordship wish to see the fair copy of the Judgment?           | Yes/No |

**JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**\* THE HON'BLE SMT.JUSTICE VENKATA JYOTHIRMAI PRATAPA**  
**+ CRIMINAL PETITION No.1417 of 2020**

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**...RESPONDENT/COMPLAINANT(S):**

! Counsel for Petitioners : Sri P.V.N. Kiran Kumar  
 ^ Counsel for Respondents : Assistant Public Prosecutor for R.1

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> Head Note:

? Cases referred:

1. (2009) 3 SCC (Cri.) 36
2. 2024 SCC OnLine AP 1997
3. 2024 SCC OnLine AP 382
4. 2023 SCC OnLine AP 4319

This Court made the following: