

2025 SCC OnLine SC 263

In the Supreme Court of India

(BEFORE B.V. NAGARATHNA AND N. KOTISWAR SINGH, JJ.)

Criminal Appeal No(s). _____ of 2025

(Arising out of Special Leave Petition (Criminal) No. 9556 of 2022)

Geddam Jhansi and Another ... Appellants(s);

Versus

State of Telangana and Others ... Respondent(s).

With

Criminal Appeal No(s). _____ of 2025

(Arising out of Special Leave Petition (Criminal) No. 428 of 2024)

Geddam Jhansi ... Appellants(s);

Versus

State of Telangana and Another ... Respondent(s).

Criminal Appeal No(s). _____ of 2025 (Arising out of Special Leave
Petition (Criminal) No. 9556 of 2022) and Criminal Appeal No(s).

_____ of 2025 (Arising out of Special Leave Petition (Criminal) No.
428 of 2024

Decided on February 7, 2025

Advocates who appeared in this case:

Mr. Nitin Tambwekar, Adv., Mr. Sanjeev Kumar Choudhary, Adv., Mr. Indrajeet Singh, Adv., Mr. Seshatalpa Sai Bandaru, AOR, Mr. Irshad Ahmad, AOR, Mr. Shaik Mohammad Haneef, Adv., Mr. Suneet Singh, Adv., Mr. Vijay Kumar, Adv., For Appellant(s)

Ms. Devina Sehgal, AOR, Mr. Vineet George, Adv., Mr. Beno Bencigar, Adv., Mr. Parijat Kishore, AOR, For Respondent(s)

The Judgment of the Court was delivered by

N. KOTISWAR SINGH, J.:— Leave granted in both the SLPs.

2. This common order disposes of both the Criminal Appeals arising out of Special Leave Petition (Criminal) No. 9556 of 2022 and Special Leave Petition (Criminal) No. 428 of 2024 as both these appeals relate to similar and connected incidents.

3. Special Leave Petition (Criminal) No. 9556 of 2022 was filed against the judgment and order dated 04.04.2022 passed by the Ld. Single Bench of the High Court for the State of Telangana in Criminal Petition No. 3105 of 2022 whereunder the High Court declined to quash the criminal proceedings in C.C. No. 46 of 2022 under Section 498A, 506 Penal Code, 1860 (for short "IPC") and Sections 3 and 4 of the

Dowry Prohibition Act, 1961 (for short "Dowry Act") pending before the Court of the Judicial Magistrate, First Class, Bhongir under Section 482 of the Criminal Procedure Code, 1973 (for short "CrPC") by holding that, *prima facie*, there are certain allegations against both the appellants, Geddami Jhansi and Geddami Sathyakama Jabali, and that these are triable issues for which the appellants have to face trial and prove their innocence.

4. Special Leave Petition (Criminal) No. 428 of 2024 has been preferred against the judgment and order dated 03.02.2022 passed by the Ld. Single Bench of the High Court for the State of Telangana in Criminal Petition No. 1002 of 2022 whereunder the High Court declined to quash the criminal proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short "DV Act") in DVC No. 25 of 2021 pending before the Court of the Additional Judicial Magistrate, First Class, Bhongir under Section 482 of CrPC on similar ground by holding that, *prima facie*, there are specific allegations against the sole appellant, Geddami Jhansi, and the same have to be decided only after enquiry.

5. Being aggrieved by the refusal of the High Court to quash the aforesaid criminal proceedings pending before the concerned Magistrates, the present appeals have been preferred.

6. The gravamen of the plea of the appellants in both the appeals is that the allegations against them are vague and are of a generalised nature without any specific overt act attributed to them, thus, incapable of being fastened with criminal liability, which unfortunately, the High Court had failed to appreciate.

7. The relevant facts in brief as may be culled from the pleadings is that a written complaint was filed before the Mahila Police Station Bhuvanagiri on 17.09.2021 by one Premlata (hereinafter referred to as "complainant") in which it was mentioned that she was married to one Samuel Suresh, a doctor by profession and a resident of Chennai on 17.08.2016 and at the time of marriage her mother-in-law, Pathagadda, had demanded a sum of Rs. 30 Lakhs and accordingly, the complainant's mother had given Rs. 10 Lakhs by way of cash and 15 tolas of gold as dowry to her mother-in-law. It was stated that for about five months after the marriage, the complainant's husband had treated her well and took care of her properly. Unfortunately, later, her husband suspecting her character started harassing her mentally and physically to get additional dowry of Rs. 10 Lakhs, for which her mother-in-law, the younger sister of her mother-in-law, namely, Geddami Jhansi (Appellant No. 1), her brother-in-law, Sudheer, and the son of Geddami Jhansi, namely, Geddami Sathyakama Jabali (Appellant No. 2) pressurized her to act according to her husband's and mother in law's wishes and also threatened to kill her if the demand for dowry was not

met. It was also alleged that because of their behaviour, the complainant's mother organised panchayat several times before the elders and other family members. It was alleged that in front of the elders, her husband had agreed to take care of her properly but as usual after sometime he started harassing her because of which she ultimately approached the police for counselling but there was no change in their behaviour leaving her no alternative but to file the aforesaid complaint.

8. On the basis of the aforesaid complaint, FIR No. 54 of 2021 was registered at Bhongir Women PS, Rahakonda District, under Sections 498A, 506 IPC and Sections 3 and 4 of the Dowry Act against the complainant's husband, complainant's mother-in-law, complainant's brother in law and the present two appellants. On completion of the investigation, Charge Sheet No. 46 of 2021 was filed before the Court of the Judicial Magistrate, First Class, Bhongir under Sections 498A, 506 IPC and Sections 3 and 4 of the Dowry Act against the aforesaid accused including the present two appellants, which is now pending before the aforesaid court in C.C. No. 46 of 2022.

9. Apart from the aforesaid complaint filed before the Mahila Police Station, another complaint was filed by the complainant on 20.09.2021 before the Protection Officer, Bhuvanagari alleging cruelty and criminal intimidation under the DV Act, 2005 making similar allegations with the additional allegations that on one occasion, her husband asked her not to touch his clothes and to go away from the kitchen and that he tried to burn his socks because the complainant had washed them. It was also alleged that her husband had influenced his friends to talk ill of her, who in turn used to call the complainant and ask her to leave her husband, further telling her that her husband has a girlfriend who had taken divorce to marry him. It was also alleged that on 17.10.2020 at around 10 : 00 p.m, the complainant was beaten and pushed out of the matrimonial house by her husband.

10. The complainant accordingly, approached the Judicial Magistrate First Class, Bhongir where a case under DV Act, being DVC No. 25 of 2021 was registered and is now pending.

11. At this stage it may be apposite to mention herein that the allegations are not one way and the husband had made counter allegations against the complainant. Before the aforesaid complaints were filed by the complainant, the husband of the complainant instituted a divorce proceeding before the Court of the Principal District Judge at Kanchipuram, which was registered as I.D.O.P. No. 44 of 2021 under Section 10 of the Indian Divorce Act, 1869 alleging neglect, insensitivity to the needs of the husband, incompatibility, concealment of facts, showing hostile attitude towards the husband, refusal to consummate the marriage, causing mental and physical harassment

and desertion since 10 April 2018.

12. As we proceed to examine the issues involved, we may briefly allude to the law relating to quashing of FIRs/criminal proceedings, which is well-settled and summarised by this Court in the *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 in which this Court held as below:

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases 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 guidelines or rigid formulae and to give an exhaustive list of 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 FIR 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.*
- (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.*
- (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."

13. In the present case, the charge-sheet has been filed before the Court of the Magistrate in C.C. No. 46 of 2022 after investigation was completed by the police on the basis of the complaint/FIR lodged by the complainant and another proceeding is also pending under the DV Act before the Court of the Additional Judicial Magistrate. However, this will not preclude this Court from interfering with the criminal proceedings, if upon perusal of the complaints, the materials gathered during the investigation and in the charge-sheet, it is found that no prima facie case has been made out against the appellants and the criminal proceedings amount to abuse of the process of law. As mentioned above, the common plea of the appellants in both the proceedings is that allegations against them are of a generalized nature devoid of specific offending acts to constitute offences punishable under law.

14. In this regard, we may recall what this Court has held in *Anand Kumar Mohatta v. State (NCT of Delhi)*, (2019) 11 SCC 706 as regards permissibility of quashing of proceeding once charge-sheet is filed as follows:

"14. First, we would like to deal with the submission of the learned Senior Counsel for Respondent 2 that once the charge-sheet is filed, petition for quashing of FIR is untenable. We do not see any merit in this submission, keeping in mind the position of this Court in Joseph Salvaraj A. v. State of Gujarat [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59 : (2011) 3 SCC (Cri) 23]. In Joseph Salvaraj A. [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59 : (2011) 3 SCC (Cri) 23], this Court while deciding the question whether the High Court could entertain the Section 482 petition for quashing of FIR, when the charge-sheet was filed by the police during the pendency of the Section 482 petition, observed : (SCC p. 63, para 16)

"16. Thus, from the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the complainant's FIR. Even if the charge-sheet had been filed, the learned Single Judge [Joseph Saivaraj A. v. State of Gujarat, 2007 SCC OnLine Guj 365] could have still examined whether the offences alleged to have been committed

by the appellant were prima facie made out from the complainant's FIR, charge-sheet, documents, etc. or not."

15. *Even otherwise also, it must be remembered that the provision invoked by the accused before the High Court is Section 482 of the CrPC and that this Court is hearing an appeal from an order under Section 482 of the CrPC. Section 482 of the CrPC reads as follows:*

"482. Saving of inherent powers of the High Court.— Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any court or otherwise to secure the ends of justice."

16. *There is nothing in the words of this section which restricts the exercise of inherent powers by the Court to prevent the abuse of process of court or miscarriage of justice only up to the stage of the FIR. It is settled principle of law that the High Court can exercise jurisdiction under Section 482 of CrPC even when the discharge application is pending with the trial court [G. Sagar Suri v. State of U.P., (2000) 2 SCC 636, para 7, Umesh Kumar v. State of A.P., (2013) 10 SCC 591, para 20]. Indeed, it would be a travesty to hold that proceedings initiated against a person can be interfered with at the stage of FIR but not if it has advanced and the allegations have materialised into a charge-sheet. On the contrary it could be said that the abuse of process caused by the registration of the FIR stands aggravated if the FIR has taken the form of a charge-sheet after investigation. The power is undoubtedly conferred to prevent abuse of process of any court.*

15. Keeping the aforesaid legal position in mind, we will examine whether the facts/materials obtaining in the present case would warrant interference of this Court under Section 482 of the CrPC for quashing the said criminal proceedings pending before the concerned courts.

16. As far as the first complaint is concerned, out of which the criminal proceeding in "C.C. No. 46 of 2022" has arisen, which is pending before the Court of the Judicial Magistrate, First Class, Bhongir, where the charge-sheet has been filed, the relevant portions of the said complaint read as follows:—

"xxxxxx

On 17.08.2016, I was married to Samuel Suresh. S/o. Late Janardhan Rao, aged 38 years, Caste : SC (Madiga). Occupation : Doctor, R/o Pondicherry in Chennai. At the time of marriage, my mother-in-law demanded Rs. 30,00,000/- and accordingly my

mother has given Rs. 10,00,000/- by way of cash and 15 tulas gold as dowry to my mother-in-law. After the marriage for a period of 5 months or so, my husband has taken care of me properly. Thereafter my husband started suspecting my character and harassed mentally and physically to get additional dowry of Rs. 10,00,000/-. I submit that my mother-in-law Pathagadda Bharathi and younger sister of my Mother-in-Law namely Geddham Jhansi, my brother-in-law Sudheer and son of younger sister of my Mother-in-law namely Geddham Satya Rama Jabili all the persons referred above used to pressurize to act according to my husband's and Mother-in-law's wish, otherwise they threatened to kill me. In this regard my mother organized Panchayathi several times, before the elders and family members. In front of the elders, my husband agreed to take care of me properly but as usual, after sometime, he started harassing me. Thereafter, I have approached Bhongiri Mahila Police Station and have given a complaint. Thereafter, Police personnel called them for counselling, but there was no change in the behaviour. In view of the above I request to take legal action, on all persons mentioned above."

(emphasis added)

17. Charge-sheet is filed only on culmination of the investigation during which time the investigating agency collects all the relevant evidence in support of the complaint on the basis of which a clear *prima facie* case indicating commission of the offence must be made out against the accused warranting trial. The investigation may uncover/throw up more detailed and additional facts and evidence that would support the complaint/FIR. Accordingly, this Court will examine the charge-sheet filed and examine the evidence which has been gathered in the present case relating to "C.C. No. 46 of 2022" to see if any new facts or evidence had been disclosed.

18. In this regard we may refer to the charge-sheet filed in connection with the aforesaid case, relevant portions of which are reproduced hereinbelow : -

"As per the evidence collected, during the course of the investigation and as per detailed and discreet enquiries, prima-facie case is made out against the A-1 to A-5 for the offence punishable u/s 498-(A), 406, 506 IPC & Sec 3 & 4 Dowry Prohibition Act-1961.

During the further course of the Investigation, since the prima-facie offence is proved against the accused A-1, A-2 & A-4 on 23.09.2021 the LW-07 has Register post under sub-section (1) of Section 41A of Criminal Procedure Code to them, but A-1, A-2 & A-4 was Rejected the Post, after that A-1 received anticipatory bail Hon'ble court of 5 additional district and sessions judge at Bhongiri Cri.M.P. No. 410/2021 on 27-11-2021 A-3 & A-5 on 02.11.2021 the

LW-07 has served the notices them under sub-section (1) of Section 41. A of Criminal Procedure Code with directions to appear before me. Accordingly, on 03.12.2021, the accused A-3 & A-5 have complied with the instructions of LW-07 by appearing before her. As such, as per the directions of the Hon'ble Apex Court and since the offence is having the punishment of less than seven years Imprisonment, the LW. 07 has served notices under sub-section (3) of section 41 A of Criminal Procedure to the accused A-3 & A-5 directing them to appear before the Hon'ble trial court as when they received the summons.

Investigation done so far in this case it well established that LW-1 Panthagadda Premalatha is the complainant & victim legally wedded of the A-1 is resident of H No 1-11-14. Near By Meg Market. Jangaon (V&M&D), Present at Yadagirigutta (V&M). Yadadri-Bhongir (Dist), the LW-2 S Potta Chandralah, the Lw-3. Smt. Potta Bharathamma are parents respectively of victim and circumstant witness to the incident, the LW.4, Sri Eppialapally Narendar, the LW-5 Sri Bollepally Janardhan are panchayath elders & circumstantial witness to the incident. Whereas the accused A-1 Panthagadda Shymul Suresh is the son of A-2, the A-2. Panthagadda Bharathi, are resident of Thiruvikanagar. Madhaliya Pet. Pondicherry, the A-3/Geddamm Jhand. Small Mother-in-law of A-1, the A-4 Panthagadda Sudheer, the AS Geddamm Sathyakama Jabal @Amancherla Jabali are Brothers of A-1 are resident of Jawaharagar, Hyderabad.

The LW-1 marriage was performed on 17.08.2016 with the A-1 as per customs prevailing in their community and the presence of their relatives. At the time of LW-1 marriage. her in-laws.

Demand Rs. 30,00,000/- Cash for dowry, in which, LW-2 & 3 have gave Rs. 10,00,000/- cash, 15 Thule's Gold to them as dowry, After marriage the couple had lead happy conjugal life of 5 Months. thereafter A-1 suspecting the Lw-1 character and also used to harassed mentally and physically to bring Additional Rs. 10.00.000/- dowry from her parent's house otherwise A-1 do the 2 marriage with other women, A-2 to A-5 are supported to A-1 Due to such harassment, the LWs 263 was placed the matter before the elders LW1-4 & 5 who are circumstantial witness & Panchayath elders. On request of the LWs 2 & 3, the elders held a panchayath 2018 May month 2 times at Chennai, 2018 July month one time at Hyderabad A-3 House, 2019 February Month one time. 2019 August Month one time convinced them, A-1 to A-5 says in front of panchayath elders take good care of Lw-1. but A-1 to A 5) are again harassed her. Later 2 years ago A1 to A-5 beaten the Lw-1 and necked out in the house to bring additional Rs. 10,00,000/- dowry if not bring the amount they would kill the LW-1. Later Lw-1 filed a complaint against them

in Woman PS Bhongir. Police are given counselling them, but A1 to A 5 did not change their attitude. Thus the A1 to A5 noted in Col. No 12 of this charge sheet committed an offence punishable u/s 498-A, 406, 506 IPC & Sec 3 & 4 DP Act."

19. Perusal of the charge-sheet would show that the investigating agency had relied on the statements of the complainant, her parents and two other witnesses who are Panchayat elders to substantiate the allegations. As far as the statement of the complainant is concerned, it is in the form of the complaint which has been already reproduced hereinabove. We will now examine whether any new or fresh evidence has been revealed in the course of the investigation from the examination of other witnesses, namely, the complainant's parents and the two panchayat witnesses.

20. The statements of the parents are carbon copy of each other and as such we may refer to the statement of the father only, relevant portions of which read as follows:—

"I am resident of Yadadri Bhuvangiri district, Bibinagar, Brahmanapalli road. We married our daughter Premalatha in 2016 to Panthagadda SamuelSuresh, s/o Janardhan Rao, resident of Pondicherry. Our son-in-law works as a Doctor. At the time of marriage, the Mother-in-law of my daughter demanded Rs. 30,00,000 cash as dowry and we gave Rs. 10,00,000/cash and 15 sovereigns of gold as per her wish. Five months after marriage, my daughter came to our house and told me : that her husband-was suspecting her with every person she spoke further he told her that he doesn't like her as she did not get the dowry as demanded by them and asked her to get additional dowry of Rs. 10,00,000/for his needs or else asked her to leave him so that, he can marry again. He was harassing my daughter mentally and physically. My daughter's Mother-in-law Bharathi, my daughter's mother-in-law's younger sister Geddam Jhansi and her son Geddam Sathyacama, my daughter's husband's brother Sudhir, Jabali, all of them supported my daughter's husband and told that as she brought less dowry they warned her to listen to her husband or else they will kill her. They used to say insulting words and used to abuse her and beat her. In this regard we held panchayat with elders. When the elders convinced them, they used to say they will look after her well and taken her with them, but used to harass her again. These type of panchayats took place 4 times in Chennai and 5 times in Hyderabad. Approximately about 2 years ago my daughter came to our house and told me that when she questioned why they were doing like this, they said, how dare you to raise your voice against us and all of them together abused her and beat her and pushed her out of house. They threatened her saying that, if she comes home without

getting money of Rs. 10,00,000/- they will kill her. After that, my daughter has given a complaint against them in Bhuvanagiri Mahila Police Station and the police called them and counselled them, but there was no change in them is what he stated."

(emphasis added)

21. The other evidence is in the form of the statements of the two panchayat witnesses, namely, Sri Eppala Pally Narendar and Sri Bollepally Janardhan. It is also noticed that their statements too are reproduction of the other and as such examination of only one of the statements will suffice, for which we may examine the statement of Sri Eppala Pally Narendar, relevant portions of which read as follows : -

"I am a resident of Yadadri-Bhuvanagiri district.....After 5 months of their marriage Chandraiah came to me and told me that his daughter came home and told him that her husband is suspecting her with every person she spoke Further he told he doesn't like her, as she did not get the dowry that they asked for he asked her to get additional dowry of Rs. 10,00,000/- for his needs or else asked her to leave him so that he can marry again. He used to harass mentally and physically. Premalatha's Mother-in-law Bharathi, her Mother-in-law's younger sister Geddami Jhansi and her son Geddami Sathyacama, Jabali, her husband's brother Subir, all of them together supported her husband and told her that she brought less dowry and warned her to listen to her husband or else they will kill her. They used to say insulting words and used abuse her and beat her Premalatha's father told me that in this regard, they were holding a panchayat with elders and asked me to come an panchayat elder. Then I along with a few other elders went to the panchayat. We told them to be good and they said we will look after Premalatha well and has taken her with them, but again harassed her in the same way. In May 2018, one time in July 2018, one time in February 2019, one time in 2019 August, in panchayats were held in Chennai and Hyderabad (Jhansi's house). In the panchayat all the above persons, collectively told that, if they give the dowry they asked for only, they will take Premalatha or else we will get their boy married again. I came to know that at about 2 years ago all of them together abused and beat Premalatha and pushed her out of house and threatened her to get Rs. 5,00,000 and then only they will allow her enter the house or else they will kill her-is the statement given by him"

22. When we minutely examine the statements of the father and the mother of the complainant, what can be seen is that as far as the demand for dowry of Rs. 30 Lakhs and giving of Rs. 10 lakhs and 15 sovereigns of gold at the time of marriage of the complainant is concerned, it can be said that it was within their direct knowledge.

Being the father and mother, the complainant daughter would naturally convey to them what had transpired with her in relation to her husband and family. Thus, as regards other allegations of harassment, the same were informed to them by their daughter but they were not witness to the same.

It may also be noted that as regards the alleged act of beating of the complainant by her husband and other relatives mentioned by the parents, the complainant herself does not mention so in her complaints. Therefore, this allegation of beating of the complainant is something which has been added by the father and the mother of the complainant though they did not themselves witness the same.

23. As regards the statement of Sri Eppala Pally Narender, the Panchayat elder, regarding the incidents of harassment which are the subject matter of the complaint, the same has been stated by him after he was informed by the father of the complainant. Thus, his evidence is nothing but hearsay evidence. As far as the statement regarding holding of panchayat at Hyderabad and Chennai is concerned, where the family members of the husband had allegedly stated that if the dowry is not given as demanded, the complainant would not be taken back and they would get the husband married again, the said statement is of a very generalised nature and vague in the sense that it does not mention exactly when and in which Panchayat the aforesaid incident took place and what roles the appellants played. Further, it is noticed that this witness as well as the other Panchayat witness are residents of Bhongir which is in Telangana. It is not stated how they were also present in the Panchayat meetings held in Chennai.

The aforesaid Panchayat witness mentioned about the alleged demand of dowry and threat meted out to the complainant of being killed if the demand for dowry of Rs. 5 lakhs was not met, and about the threat of the complainant being thrown out of the matrimonial house, but the said statement is based on the information provided to him by the father of the complainant and is not based on personal knowledge of the witness.

24. When the aforesaid statements are examined, it is evident that there certainly are specific allegations made against the husband of the complainant, his mother (mother-in-law of the complainant) about demand of dowry and harassment meted out to the complainant. However, as regards the present appellants, the allegation against them is that they along with the other accused family members used to pressurize the complainant to act according to her husband and her mother-in-law's wishes. Apart from this generalised allegation, there are no specific or overt acts attributed to the appellants which would tantamount to acts of cruelty or physical or mental harassment or being active participants in the demands for dowry.

25. From the above what is clearly evident is that the statements of the witnesses though support the case of the complainant, do not disclose any new fact or provide better particulars beyond what had already been stated by the complainant. As far as the present appellants are concerned, these witnesses including the complainant merely make generalised allegations without any specific evidence against them.

26. Thus, if the evidence of the complainant as well as the witnesses are taken at their face value, what can be said to have been made out against the appellants is that the appellants and other members of the family used to pressurize the complainant to act according to the wishes of her husband and mother-in-law which is a very generalised allegation devoid of specific particulars.

27. As mentioned above, the statements of the mother and the father of the complainant as annexed in the charge-sheet are carbon copies. Similarly, the same is in respect of the statements of the other two independent witnesses, Epalla Pally Narender and Bollepally Janardhan. Under these circumstances, discussed above, we have no hesitation to say that the identical statements of the witnesses do not inspire confidence of this Court for continuation of the criminal proceedings with regard to the present appellants.

28. Coming to the other case relating to domestic violence pending before the Court of Additional Judicial Magistrate, First Class, Bhongir in DVC No. 25 of 2021, the same is based on the second complaint dated 20.09.2021 filed by the complainant, relevant portions of which read as follows: —

"xxxxxx

On 17.08.2016, I was married to Samuel Suresh...

After the, marriage for a period of 5 months or so, my husband has taken care of me properly. Thereafter 1. My husband Samuel Suresh, 2. My mother-in-law Bharati Janardhan. 3. Younger sister of my mother-in law Jhansi Geddham 4. My brother-in-law Pathagadda Sudheer 5. Son of my mother-in-law's sister Geddham Sathyakama Jabill, all the above referred persons, with a plan, started harassing me physically and mentally and demanded to get additional dowry of Rs. 10,00,000/-. When I informed the same thing to my parents, my parents organized a panchayat before my family members and elders. My husband agreed to take care of me properly, before the elders, but as usual after some days he started harassing me along with his family members. They made me to pay the house rent. At times my husband stayed away from the house during nights. My husband used to tell each and everything to my mother-in-law and he used to act as per her directions. Further my mother-in-law used to pressurize me to purchase a new house and a car. They also tried

to get a false report from the psychiatrist, by taking an appointment with the doctor. Thereafter they forced me to address a letter stating that, I was responsible for all the mistakes happened in our marital life. They have taken money from me and have spent for their personal uses.

I submit that when meeting was held at the residence of younger sister of my mother-in-law, my husband promised before my parents that he will take care of me properly. After that when I holded his hand, he pushed me down and used to scold me for every small issue. Further he asked not to touch his clothes and go away from the kitchen. Once he tried to burn his socks. because I washed them. My husband has not supported me, even when requested him, that there is a problem in my job and finally lost the job. My parents have invited my husband for my brother's marriage, but he refused to attend the marriage and used to pressurize me to sign the letter. He used to tell bad about me to his friends and they used to call me and asked me to leave my husband. One day, a girl called me and said that my husband is having a girlfriend earlier and now she has taken divorce from her husband and therefore he is planning to marry her. They have tortured me in many ways, but I patiently tolerated their ill-treatment for a smooth marriage, but he has not understood me. He tortured me mentally by scolding me and he used to go out with his friends and used to come at 3 or 4 in the early morning. On 17.10.20 at around 10 : 00 pm he necked me out of the house, therefore I request you to take legal action on my husband Samuel Suresh and other family members for torturing me physically and mentally. Further I request you to take action as per Domestic Violence and see that protection order and residence order is provided in my favor. Further, see that every month Rs. 30,000/- is given to me, for my maintenance."

(emphasis added)

The said second complaint is more or less the reiteration of the allegations made in her first complaint with some additional incidents. Perusal of the second complaint shows that no specific allegations about harassment have been made against the appellants.

29. As far as the allegation of the complainant of being thrown out of her matrimonial house on 17.10.2020 is concerned, she made the specific allegation only against her husband and she did not attribute any role of the appellants except for making a general allegation of harassing her physically and mentally without specifying the actual role of the appellants.

30. It may be also noted that in the second complaint, the complainant had specifically stated that when a meeting was held at

the residence of the younger sister of her mother-in-law (Appellant No. 1), her husband promised before her parents that he would take care of her properly. This statement shows that the Appellant No. 1 was trying to mediate and broker peace between the complainant, her husband and her mother-in-law, which is inconsistent with the allegation that the appellants were pressurising the complainant in support of the mother-in-law and the husband.

31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the Penal Code or any other penal statute are alleged or attributed to the accused and a *prima facie* case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. Institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, preservation of family relationship has always been emphasised upon. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, courts should be circumspect and judicious, and should allow invocation of criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences.

32. We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.

33. It goes without saying that genuine cases of cruelty and violence in domestic sphere, which do happen, ought to be handled with utmost sensitivity. Domestic violence typically happens within the four walls of the house and not in the public gaze. Therefore, such violence is not

noticed by public at large, except perhaps by the immediate neighbours. Thus, providing visible evidence by the victim of domestic violence may not be easily forthcoming and producing direct evidence may be hard and arduous, which does not necessarily mean that domestic violence does not occur. In fact, to deal with this pernicious phenomenon, stringent statutes like Protection from Domestic Violence Act, 2005, have been enacted with very expansive meaning and scope of what amounts to domestic violence. Since, violence perpetrated within the domestic sphere by close relatives is now criminalised entailing serious consequences on the perpetrators, the courts have to be careful while dealing with such cases by examining whether there are specific allegations with instances against the perpetrators and not generalised allegations. The purpose and mandate of the law to protect the victims of domestic violence is of paramount importance, and as such, a balance has to be struck by ensuring that while perpetrators are brought to book, all the family members or relatives are not indiscriminately brought within the criminal net in a sweeping manner.

34. For a matrimonial relationship which is founded on the basis of cordiality and trust to turn sour to an extent to make a partner to hurl allegations of domestic violence and harassment against the other partner, would normally not happen at the spur of the moment and such acrimonious relationship would develop only in course of time. Accordingly, such a situation would be the culmination of a series of acts which turns, otherwise an amicable relationship, into a fractured one. Thus, in such cases involving allegations of domestic violence or harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against the perpetrators in specific terms to rope such perpetrators in the criminal proceedings sought to be initiated against them. Thus, mere general allegation of harassment without pointing out the specifics against such perpetrators would not suffice, as is the case in respect of the present appellants.

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.

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.

37. In the present case, the charges against the accused including the appellants are sought to be substantiated based on the statements of the complainant, her parents and two panchayat elders.

As discussed above, the statements of the two elders are based on the information provided by the father of the complainant. These two witnesses did not witness any of the incidents of physical harassment by the appellants. Though they were present in the panchayat to resolve the dispute between the parties, their account of harassment of the complainant is based on what they had learnt from the father of the complainant. As regards their knowledge of demand of dowry by the appellants, the same is quite vague and without specific details.

Similarly, the statements of the parents of the complainant are based on the information provided by the complainant/daughter. There is also nothing on record to show that the parents witnessed any of the incidents of physical harassment of the complainant at the instance of the appellants.

Thus, the evidence against the appellants in these proceedings boils down to the evidence of the complainant. The complainant in her complaints as mentioned above, did not assign any specific role to the appellants concerning the demands of dowry and physical and mental harassment of the complainant, except for making a sweeping allegation without specific details. The evidence of the complainant is the foundation for the criminal proceedings against the appellants. As discussed above, the evidence of the other witnesses do not disclose anything new as far as the appellants are concerned.

In our considered view, the aforesaid materials do not constitute a *prima facie* case against the appellants for continuing the criminal proceedings against them in the trial.

38. We have also noted that the appellants do not live with the principal accused. While the marriage took place in Pondicherry and the complainant lived with her husband and mother-in-law in Chennai. the

appellants are residents of Hyderabad. As the appellants do not stay together with the complainant and her husband and mother-in-law, to make the appellants as co-accused for alleged offences committed in the matrimonial house of the complainant on the basis of very generalised allegations does not appear to be tenable.

39. Under these circumstances, for the reasons discussed above, we are satisfied that the appellants have been able to make out a case for interference in these proceedings *qua* the present appellants as in our opinion no *prima facie* case has been made out against the appellants to continue with the criminal proceedings against them and allowing these to continue would amount to abuse of the process of the law.

40. Accordingly, we allow both the present Criminal Appeals as below:

- (i) The impugned judgment and order dated 04.04.2022 passed by the Ld. Single Bench of the High Court for the State of Telangana in Criminal Petition No. 3105 of 2022 is set aside and the criminal proceedings in "C.C. No. 46 of 2022" pending before the Court of the Judicial Magistrate, First Class, Bhongir under Section 482 of the Criminal Procedure Code, 1973 is quashed *qua* the two appellants, Geddami Jhansi and Geddami Sathyakama Jabali.
- (ii) The impugned judgment and order dated 03.02.2022 passed by the Ld. Single Bench of the High Court for the State of Telangana in Criminal Petition No. 1002 of 2022 is set aside and the criminal proceedings in DVC No. 25 of 2021 pending before the Court of the Additional Judicial Magistrate, First Class, Bhongir is quashed *qua* the appellant, Geddami Jhansi. This is having regard to the criminal proceeding against her being quashed as above and as identical allegation (paragraph 28 above) are made against her in DVC No. 25 of 2021, and in exercise of our powers under Article 142 of the Constitution of India. This is also by bearing in mind the relationship of the appellant Geddami Jhansi to the complainant, being the latter's mother-in-law's sister.

41. However, it is made clear that the observations and findings recorded herein by this Court are in the respect of the allegations made against the present appellants and the same will have no bearing on the criminal proceedings against the other accused persons and the trial courts will not be swayed by the observations and findings recorded herein by this Court and the trial courts are expected to proceed with the criminal proceedings pending against the other accused persons after proper appreciation of evidence and in accordance with law.

liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.