



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

[3521]

SATURDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 2118/2023

Between:

- 1.KOTARU SURESH NAIDU, S/O LATE SURYANARAYANA, HINDU, AGED ABOUT 36 YEARS, D.NO.24-18 (1), KOTHAPETA STREET, YELAMANCHILLI VILLAGE AND MANDAL, ANAKAPALLI DISTRICT.
- 2.KOTARU SURYAMANI,, W/O LATE SURYANARAYANA, HINDU, AGED ABOUT 55 YEARS, D.NO.24-18 (1), KOTHAPETA STREET, YELAMANCHILLI VILLAGE AND MANDAL, ANAKAPALLI DISTRICT.
- 3.KOTARU RAMAKRISHNA,, S/O LATE APPARAO, HINDU, AGED ABOUT 57 YEARS, D.NO.24-18 (1), KOTHAPETA STREET, YELAMANCHILLI VILLAGE AND MANDAL, ANAKAPALLI DISTRICT.
- 4.KOTARU NAGARATNAM, , W/O K. RAMAKRISHNA, HINDU, AGED ABOUT 51 YEARS, D.NO.24-18 (1), KOTHAPETA STREET, YELAMANCHILLI VILLAGE AND MANDAL, ANAKAPALLI DISTRICT.

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP., BY ITS PUBLIC PROSECUTOR, HIGH COURT JUDICATURE, AMARAVATHI.
- 2.DASARI TEJASRI, D/O DASARI MALYADRI, HINDU, AGED ABOUT 31 YEARS, D.NO.49-27-43/1, FLAT NO.101, SATYA JYOTHI NILAYAM, MADHURANAGAR, VISAKHAPATNAM.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

MAHADEVA KANTHRIGALA

Counsel for the Respondent/complainant(S):

- 1.KONDETI RANGA SRINIVAS
- 2.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.)/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), seeking to quash the proceedings against the petitioners/Accused Nos.1 to 4 in C.C.No.1089 of 2022 (Cr.No.269 of 2016 of Dwaraka Police Station) on the file of the learned I Additional Chief Metropolitan Magistrate, Vishakapatnam, registered for the alleged offence punishable under Section 420 read with 34 of the Indian Penal Code, 1860 (for brevity 'the IPC').

2. Mr. Mahadeva Kanthrigala, learned counsel for the petitioners, submits that Petitioner No.1 is the husband of Respondent No.2 and Petitioner Nos.2 to 4 are the in-laws of Respondent No.2. He further submits that Respondent No.2 and her parents have cheated the petitioners by lodging the complaint. The petitioners have never received any amounts from the parents of Respondent No.2 and it is urged to allow the petition by quashing the proceedings.

3. *Per contra*, Ms. P. Akhila Naidu, learned Assistant Public Prosecutor, and Mr. K. Ranga Srinivas, learned Legal Aid Counsel for Respondent No.2,

submit that there are specific allegations levelled against the petitioners/Accused Nos.1 to 4 by the de-facto complainant that the petitioners demanded additional dowry and harassed Respondent No.2 and her parents. It is urged to dismiss the Criminal Petition.

4. Heard the learned counsel for the petitioners, the learned Assistant Public Prosecutor and the learned Legal Aid Counsel for Respondent No.2. Perused the record.

5. As seen from the record, the de-facto complainant/Respondent No.2 lodged a complaint against the petitioners, which was registered as a case in Cr.No.269 of 2016 for the offence punishable under Section 420 read with 34 of 'the IPC'. The allegations of Respondent No.2 are that all the petitioners/Accused Nos.1 to 4 had approached the parents of L.W.4/Respondent No.2, discussed with the elders of both sides and fixed the marriage alliance between Petitioner No.1 and Respondent No.2. All the petitioners demanded dowry of a duplex house or Rs.75 lakhs, 30 tulas of gold, 2 kilograms of silver and also Rs.6,00,000/- as dowry for the sisters-in-law and other formalities, for which L.Ws.2 and 3, the parents of Respondent No.2, had agreed and performed the engagement at Hotel Fortune.

6. Later, Petitioner No.1/Accused No.1 used to make phone calls to Respondent No.2 and coerce her to indulge in sexual contact with him. However, Petitioner Nos.1 and 2 had also demanded additional dowry of a car, 25 tulas of gold for a Vaddanam and some gold ornaments for the mother of Accused No.1 and three acres of land before the marriage. When the

parents of Respondent No.2 could not oblige the said demands, all the petitioners allegedly demanded the additional dowry seven days prior to the marriage and threatened that they would cancel the marriage between Petitioner No.1 and Respondent No.2 and would also ensure that no one would come forward to marry Respondent No.2.

7. All these allegations are subject matter of proof or evidence and triable in nature. This Court cannot conduct a mini trial while exercising jurisdiction under Section 482 of 'the Cr.P.C.,' as there are certain disputed questions of fact which have to be decided during trial. Therefore, the petitioners have to face the trial.

8. Considering the facts and circumstances of the case, this Court finds no merits in the Criminal Petition. However, the Criminal Petition is disposed of with a direction to the learned Trial Court not to insist upon the presence of the petitioners on every adjournment. The presence of the petitioners shall stand dispensed with unless their presence is specifically required by the learned Trial Court.

9. In the result, the Criminal Petition is disposed of.

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

DR. Y. LAKSHMANA RAO, J

53

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 2118 of 2023

Date: 07.03.2026
RSI