



IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

[3303]

TUESDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION NO: 41 OF 2022

Between:

1. Akula Rohith, S/o. Jagan Mohan, Aged about 34 years, Occ. Software Engineer, R/o. 3-407/27, Hi-Tech Colony, Mancherial Town and District.(A-1)
2. Akula Jagan Mohan, S/o. A.Venkat Narasaiah, Aged about 62 years, Occ. Retd. Govt. Employee, R/o. 3-407/27, Hi-Tech Colony, Mancherial Town and District. (A-2)
3. Akula Ramadevi, W/o. Jagan Mohan, Aged about 59 years, Occ. Retd. Govt. Employee, R/o. 3-407/27, Hi-Tech Colony, Mancherial Town and District.(A-3)
4. Ravali, W/o. Srikanth, Aged about 31 years, Occ. House wife, R/o. H.No.126, 2nd floor, 1st Stage, 2nd Phase, 9th Main, Bangalore.(A-4)

...Petitioner/Accused

AND

1. Muppidi Kishan Babu, S/o.Muppidi Satyanarayana, Aged about 63 years, Occ. Ex-Service man, R/o.H.no.5-6-147, Maruthinagar, Karimnagar town and District.
2. The State of Telangana, rep., by Public Prosecutor, High Court for the State of Telangana at Hyderabad.

...Respondents/Complainant

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 quash the proceedings in Crime No.112 of 2021 of Women Police Station Karimnagar, in the interest of Justice.

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 stay all further proceedings in including arrest of the petitioners in Crime No.112 of 2021 of Women Police Station, Karimnagar, pending disposal of the above criminal petition.

I.A. NO: 1 OF 2024

Between:

The State of Telangana, rep., by Public Prosecutor, High Court for the State of Telangana at Hyderabad.

...Petitioner/Respondent



2025:TSHC:28214

AND

1. Akula Rohith, S/o. Jagan Mohan, Aged about 34 years, Occ. Software Engineer, R/o. 3-407/27, Hi-Tech Colony, Mancherial Town and District.(A-1)
2. Akula Jagan Mohan, S/o. A.Venkat Narasaiah, Aged about 62 years, Occ. Retd. Govt. Employee, R/o. 3-407/27, Hi-Tech Colony, Mancherial Town and District. (A-2)
3. Akula Ramadevi, W/o. Jagan Mohan, Aged about 59 years, Occ. Retd. Govt. Employee, R/o. 3-407/27, Hi-Tech Colony, Mancherial Town and District.(A-3)
4. Ravali, W/o. Srikanth, Aged about 31 years, Occ. House wife, R/o. H.No.126, 2nd floor, 1st Stage, 2nd Phase, 9th Main, Bangalore.(A-4)
...Respondents/Accused
5. Muppidi Kishan Babu, S/o.Muppidi Satyanarayana, Aged about 63 years, Occ. Ex-Service man, R/o.H.no.5-6-147, Maruthinagar, Karimnagar town and District.
...Respondent/Complainant

(R-5 is not necessary party)

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to vacate the stay granted in Crl.P.No.41/2022 on the file of Hon'ble High Court, dt. 5/01/2022.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T. Pradhyumna Kumar Reddy, Senior Counsel representing Mr. T.S. Anirudh Reddy, Advocate for the Petitioners and Sri M. Vivekananda Reddy, Assistant Public Prosecutor on behalf of the Respondent No.2 and Sri Karam Chendu Komireddy, Advocate for the Respondent No.1.

The Court made the following: ORDER



THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.41 of 2022

ORDER:

This Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') by the petitioners, who are arrayed as accused Nos.1 to 4, seeking to quash the proceedings in Crime No.112 of 2021 of Women Police Station, Karimnagar District, for the offences punishable under Sections 498-A and 420 of the Indian Penal Code, 1860 (for short 'IPC') and Section 4 of the Dowry Prohibition Act, 1961 (for short 'the Act').

2. Heard Sri T.Pradhyumna Kumar Reddy, learned Senior Counsel, representing Sri T.S.Anirudh Reddy, learned counsel for the petitioners, Sri Karam Chendu Komireddy, learned counsel for respondent No.1/*de facto* complainant and Sri M.Vivekananda Reddy, learned Assistant Public Prosecutor, appearing on behalf of respondent No.2-State.

3. Brief facts of the case:

3.1. Respondent No.1 lodged a complaint against the



petitioners on 03.12.2021 before the Station House Officer, Karimnagar Women Police Station, stating that her daughter Muppidi Kavya marriage was performed with petitioner No.1 on 15.12.2014 and he spent an amount of Rs.15 lakhs for performing the marriage, and he has given 50 tulas of gold worth Rs.10 lakhs and 4 tulas of gold as 'adapaduchu katnam' and thereafter, the marriage was registered. After the marriage, petitioner No.1 and his daughter were blessed with a son on 15.08.2015. Accused No.4, who is his cousin sister, started harassing his daughter saying that if accused No.1 got married again, they would have get Rs.2 crores as dowry. In the year 2015, his daughter came to India and accused Nos.2 and 3 demanded an amount of Rs.1 crore. Again in the year 2018, his daughter came to India and he gave Rs.10 lakhs to accused Nos.2 and 3. As petitioner No.1 wants to marry Supriya D/o. Venkat Reddy, on 21.11.2021 at Jagitial, he filed a suit in O.S. No.889 of 2021 before the Principal Junior Civil Judge, Karimnagar and obtained ad-interim injunction. Basing on the above said complaint, the present crime was registered.



4. Submissions of learned Senior Counsel for the petitioners:

4.1 Learned Senior Counsel submitted that the petitioners have not committed any offence and they were falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients of Sections 498-A and 420 of IPC and Section 4 of the D.P. Act are not attracted against the petitioners. He further submitted that the marriage of petitioner No.1 was performed with the daughter of respondent No.1 on 15.12.2014. Thereafter, they went to United States of America (USA). On 15.08.2015 they were blessed with a son in U.S.A. The wife of petitioner No.1 approached the Circuit Court of the Eighteenth Judicial Circuit, Dupage County, Illinois (hereinafter referred to as 'Circuit Court') for dissolution of marriage. In the said case, petitioner No.1 and his wife entered into a marital settlement agreement on 20.04.2021 and basing upon the same, the said Circuit Court passed the judgment on 28.04.2021 and dissolved the marriage between them.

4.2. He further submitted that on 27.10.2021 petitioner Nos.2 and 3/accused Nos.2 and 3 and



respondent No.1 and his wife, who are none other than the father-in-law and mother-in-law of petitioner No.1, have entered into a memorandum of understanding (for short 'MOU'). Pursuant to the same, all the gold ornaments and an amount of Rs.24 lakhs by way of cheques were given to respondent No.1 towards full and final settlement and parents of both the parties i.e., petitioner No.1 and his wife were signed. Thereafter, respondent No.1 filed suit in O.S.No.889 of 2021 before the Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Karimnagar, against petitioner No.1 for grant of perpetual injunction restraining petitioner No.1 from contracting second marriage with Supriya on 29.11.2021 or any other woman. Along with the said suit, he filed I.A.No.627 of 2021 for grant of interim injunction. The learned Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Karimnagar without properly considering the contentions of petitioner No.1 granted temporary injunction on 10.12.2021.

4.3 Aggrieved by the above said order, petitioner No.1 approached this Court and filed C.R.P.No.277 of 2022 and this Court allowed the said case on 10.10.2022.



Aggrieved by the same, respondent No.1 approached the Hon'ble Supreme Court and filed S.L.P. (Civil) No.1895 of 2023 and the same was disposed of on 28.11.2023. In the meanwhile, respondent No.1 lodged the present complaint against the petitioners with false allegations suppressing the factum of granting decree of divorce between petitioner No.1 and his daughter on 28.04.2021 and also execution of MOU by respondent No.1 and his wife with accused Nos.2 and 3 on 27.10.2021, only with an intention to harass the petitioners in one way or other and the same is clear abuse of process of law.

4.4. He also submitted that the Hon'ble Apex Court, while disposing the S.L.P. (Civil) No.1895 of 2023 *vide* order, dated 20.11.2023, specifically observed that the daughter of respondent No.1 is entitled to initiate proceedings before a Court of competent jurisdiction in accordance with law. However, the daughter of respondent No.1 has not initiated any proceedings against petitioner No.1. Respondent No.1 with an intention to harass the petitioners, filed the complaint, though the ingredients of Sections 498-A and 420 of IPC and Section 4 of the D.P. Act are not attracted against them and the

complaint filed by respondent No.1 is clear abuse of process of law and the same is liable to be quashed.

5. Submission of learned counsel for respondent No.1:

5.1 Learned counsel for respondent No.1 submitted that the marriage between petitioner No.1 and daughter of respondent No.1 was performed as per the Hindu rites and customs at Karimnagar on 15.12.2014 and the Circuit Court is not having jurisdiction to grant decree of divorce and the same is not enforceable under law. He further submitted that the MOU entered by respondent No.1 and his wife with petitioner Nos.2 and 3 is relating to the financial transactions between them only and basing on the said MOU, the petitioners are not entitled to quash the proceedings in the present crime.

5.2 He further submitted that there are specific allegations levelled against the petitioners in the complaint that they harassed the daughter of respondent No.1 for additional dowry and petitioner No.1, without obtaining decree of divorce under Indian law, is proceeding to perform second marriage with one Supriya and petitioner Nos.2 to 4 are supported petitioner No.1.



Hence, the ingredients of Sections 498-A and 420 of IPC and Section 4 of the D.P. Act are attracted against them. Hence, the criminal petition filed by the petitioners is liable to be dismissed.

5.3 In support of his contention, he relied upon the following judgments;

i) **Y.Narasimha Rao and others v. Y.Venkata Lakshmi and another¹**; and

ii) **Rupak Rathi v. Anita Chaudhary²**.

Analysis:

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner Nos.2 and 3 are the parents and petitioner No.4 is the sister and respondent No.1 is father-in-law of petitioner No.1. It further reveals that the marriage of petitioner No.1 was performed with the daughter of respondent No.1 on 15.12.2014 at Karimnagar and after the marriage, they went to U.S.A. and during their wedlock, they blessed with

¹ (1991) 3 Supreme Court Cases 451

² 2014 AIR CC 2231 (P&H)

a son in U.S.A. on 15.08.2015.

7. The record further reveals that respondent No.1 lodged a complaint on 03.12.2021 stating that his daughter along with her minor child returned to India in the month of December, 2015. At that point of time, petitioner Nos.2 and 3 demanded Rs.1 crore towards additional dowry, and warned that if they failed to give the same, they will perform second marriage to their son with another girl. Thereafter, his daughter went to U.S.A. He further stated that once again his daughter came to India in 2018, at that time, his daughter informed that petitioner No.1 is harassing her for additional dowry and he has given Rs.10 lakhs to petitioner Nos.2 and 3 and his daughter went to U.S.A. In October, 2019, petitioner No.1 threw his daughter out of his house along with minor son. Petitioner No.1, without obtaining decree of divorce as per the Indian law, is trying to perform second marriage with one Supriya S/o Venkat Reddy on 29.11.2021. At that stage, he filed the suit in O.S.No.889 of 2021 on the file of the Principal Junior Civil Judge-cum-Judicial Magistrate of First Class at Karimnagar, wherein ad interim injunction was granted. Basing on the said complaint, the



present crime was registered against the petitioners for the offences punishable under Sections 498-A and 420 of IPC and Section 4 of the D.P. Act.

8. The record further reveals that daughter of respondent No.1 filed Case No.2020 D 2010 before the Circuit Court in U.S.A. for seeking dissolution of marriage. In the said case, the daughter of respondent No.1 and petitioner No.1 have entered into marital settlement agreement on 20.04.2021. Pursuant to the same, the Circuit Court passed the judgment dated 28.04.2021 dissolving the marriage between petitioner No.1 and daughter of respondent No.1.

9. The record further also reveals that subsequently petitioner Nos.2 and 3 and respondent No.1 and his wife have entered into MOU dated 27.10.2021. As per the above said MOU, petitioner Nos.2 and 3 returned gold ornaments/articles and also paid an amount of Rs.24 lakhs through nine (9) cheques. In the said MOU, it is specifically mentioned that "Both the parties as mentioned in MOU agree and undertake full payment and receipt of ornaments/money and there would be no further claims against each other party." Even according to the parties,



the cheques issued by petitioner Nos.2 and 3 were encashed by respondent No.1.

10. It is pertinent to mention that respondent No.1 has not mentioned about the execution of MOU between petitioner Nos.2 and 3 and respondent No.1 and his wife on 27.10.2021 including return of the gold ornaments and payment of Rs.24 lakhs in his complaint dated 03.12.2021, which is subsequent to the above said MOU dated 27.10.2021.

11. The record further reveals that in O.S.No.889 of 2021 filed by respondent No.1 on 26.11.2021 before the Principal Junior Civil Judge-cum-Judicial Magistrate of First Class at Karimnagar, granted interim injunction on 10.12.2021 in I.A.No.627 of 2021 restraining the petitioner No.1 contracting second marriage. Aggrieved by the same, petitioner No.1 filed C.R.P. No.277 of 2022 before this Court invoking the provisions under Article 227 of the Constitution of India and this Court allowed the said C.R.P. by setting aside the order passed by the trial Court on 10.10.2022. Aggrieved by the same, respondent No.1 filed S.L.P. (Civil) No.1895 of 2023 and the same was disposed of on 28.11.2023.



12. Upon perusal of the order of the Hon'ble Apex Court, it reveals that respondent No.1 herein submitted before the Hon'ble Apex Court that his daughter could not travel to India to initiate legal proceedings due to non-renewal of the passport of the child born from the wedlock and also raised a ground that the validity of the decree of divorce granted by the Circuit Court at U.S.A. In the said S.L.P., the Hon'ble Supreme Court by way of interim measure on 04.07.2023 directed petitioner No.1 shall do the needful for renewal of the passport of his son. Pursuant to the said interim direction, passport of the child has been renewed.

13. It is very much relevant to extract the operative portion of the order dated 28.11.2023 passed by the Hon'ble Supreme Court, which reads as follows:

"5. That being so, nothing prevents the daughter of the appellant, namely, Kavya from travelling to India and initiating the appropriate proceedings before a Court of competent jurisdiction in accordance with law. We do not express any opinion the maintainability of such proceedings and leave it for the Court concerned to decide such issues. Suffice it to say that the conclusion arrived at by the High Court in paragraphs 9 and 10 of the impugned order, when parties had not even led their evidence, is

wholly premature, uncalled for and the same cannot be allowed to cause any impediment in the way of the daughter of the appellant (Kavya), if she decides to initiate any proceedings in accordance with law. It goes without saying that the respondent shall be entitled to raise all the objections with regard to maintainability of the proceedings to be initiated by Kavya and such objections shall be considered by the Court in accordance with law.

6. Since, the suit filed by the appellant has been meanwhile dismissed following the observations made by the High Court in the impugned order, no further directions are required to be issued except to grant liberty to the daughter of the appellant, as already observed."

14. In the above said order, the Hon'ble Supreme Court held that the daughter of respondent No.1 is entitled to initiate the proceedings in accordance with law. During the course of hearing, learned Senior Counsel appearing on behalf of the petitioners submitted that as on today the daughter of respondent No.1 has not filed any proceedings before the competent Court subsequent to the disposal of the above said S.L.P. by the Hon'ble Supreme Court and the said submission has not been disputed by learned counsel for respondent No.1.

15. In **Y.Narasimha Rao** (supra), the Hon'ble



Supreme Court held in para No.20, which reads as follows:

“From the aforesaid discussion the following rule can be deduced for recognising a foreign matrimonial judgment in this country. The jurisdiction assumed by the foreign court as well as the grounds on which the relief is granted must be in accordance with the matrimonial law under which the parties are married. The exceptions to this rule may be as follows: (i) where the matrimonial action is filed in the forum where the respondent is domiciled or habitually and permanently resides and the relief is granted on a ground available in the matrimonial law under which the parties are married; (ii) where the respondent voluntarily and effectively submits to the jurisdiction of the forum as discussed above and contests the claim which is based on a ground available under the matrimonial law under which the parties are married; (iii) where the respondent consents to the grant of the relief although the jurisdiction of the forum is not in accordance with the provisions of the matrimonial law of the parties.”

16. In the above said judgment, the Hon'ble Supreme Court held that the decree passed by the foreign Court unenforceable against the respondent therein. Whereas, in the case on hand, the daughter of respondent No.1 has not filed any proceedings that the decree passed by the foreign Court is not enforceable under law.



17. In **Rupak Rathi v. Anita Chaudhary**³, the Punjab & Haryana High Court considered the enforceability of a UK divorce decree dissolving a Hindu marriage on the ground of irretrievable breakdown. The Court held that when a Hindu marriage is solemnised under Hindu law, both the jurisdiction and the grounds for dissolution must conform to the Hindu Marriage Act, 1955, irrespective of whether the parties reside abroad. Hindu spouses carry their personal law with them, and even if a foreign court assumes jurisdiction, it can only adjudicate on grounds available under HMA. Since “irretrievable breakdown of marriage” is not a statutory ground under Section 13 HMA, a foreign decree based on it fails the twin test of jurisdiction and grounds, and hence cannot be binding or recognised in India under Section 13 CPC. The Court clarified that exception (iii) in **Y. Narasimha Rao** (supra) cannot be read in isolation to validate foreign decrees on grounds absent in Indian law; consent decrees must still rest on HMA grounds. It further held that where the binding effect of a foreign decree is disputed, the matter requires proper pleadings and evidence, and a divorce

³ 2008(16)SCC117



petition under HMA cannot be summarily rejected under Order VII Rule 11 CPC. Finally, the Court laid down guiding principles for trial courts, stressing case-by-case adjudication while safeguarding the rights of spouses, particularly women in NRI marriages.

18. It is relevant to mention that this Court is not going into the factum of whether the judgment passed by the Circuit Court dated 28.04.2021 dissolving the marriage between the petitioner No.1 and daughter of respondent No.1 is valid or not and also the enforceability of the above said decree on the ground of irretrievable break down of marriage, as held in the above said judgments i.e. **Y.Narasimha Rao** (supra) and **Rupak Rathi** (supra), especially this Court is not having jurisdiction to deal with the above said issue in the present petition, since the scope of this criminal petition i.e. whether the petitioners are entitled to seek quash the crime against them or not, is very limited.

19. It is pertinent to mention that the law governing the exercise of inherent powers under Section 482 Cr.P.C. or the extraordinary writ jurisdiction under Article 226 is well settled by the decision in **State of Haryana v. Bhajan**

Lal⁴, wherein the Hon'ble Apex Court illustratively catalogued categories of cases warranting quashment, such as when the allegations taken at face value do not constitute an offence, are absurd or inherently improbable, are actuated by mala fides, or where continuance of proceedings would amount to abuse of process, while cautioning that such power must be sparingly invoked to secure the ends of justice.

20. It is also relevant to mention that in **Geddam Jhansi v. State of Telangana**⁵, the Hon'ble Apex Court reiterated the principles that were invoked to quash criminal proceedings under Sections 498-A, 506 IPC, Sections 3 and 4 of the Dowry Prohibition Act, 1961, and the Domestic Violence Act, 2005, in so far as they related to the husband's aunt and cousin, as the allegations against them were found to be omnibus and general, bereft of specific overt acts, resting merely on hearsay evidence, and further weakened by the fact that they resided separately from the matrimonial home. The Court held that dragging such distant relatives into criminal prosecution, in the absence of clear particulars of

⁴ 1992 Supp (1) SCC 335

⁵ 2025 SCC OnLine SC 263



harassment or dowry demand, squarely attracted the Bhajan Lal principles, and permitting the proceedings to continue would be nothing but an abuse of the process of law, though the trial against the principal accused the husband and mother-in-law was allowed to proceed in accordance with law.

21. It is already stated *supra* that respondent No.1 filed complaint dated 02.12.2021 suppressing the factum of entering into MOU dated 27.10.2021 with petitioner Nos.2 and 3 along with his wife and receiving gold ornaments and also cash of Rs.24 lakhs by way of cheques. Further, petitioner No.1 and daughter of respondent No.1 are living separately since October, 2019 in U.S.A. and subsequent to disposal of the S.L.P., the daughter of respondent No.1 has not initiated any proceedings against petitioner No.1 or petitioner Nos.2 to 4. Hence, this Court is of the considered opinion that continuation of the proceedings i.e. Crime No.112 of 2021, against the petitioners would amounts to abuse of process of law.

22. For the foregoing reasons and the peculiar facts and circumstances of the case as well as the principles



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laid down by the Hon'ble Apex Court in **Bhajan Lal and Geddam Jhansi** (*supra*), this Court is of the considered opinion that it is a fit case to invoke the provisions of Section 482 of Cr.P.C. to quash the proceedings against the petitioners.

23. In the result, the criminal petition is allowed. The proceedings against the petitioners in Crime No.112 of 2021 of Women Police Station, Karimnagar, are hereby quashed. It is made clear that any of the observations made in this order are only confined for the purpose of deciding this case.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

Sd/- T. SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

One Fair Copy to the HON'BLE SRI JUSTICE J. SREENIVAS RAO
(For His Lordship's kind Perusal)

To,

1. The Judicial First Class Magistrate Special Mobile (Excise) Court at Karimnagar.
2. The Station House Officer, Karimnagar Women Police Station, Karimnagar District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Mr. T.S. Anirudh Reddy, Advocate [OPUC]
5. One CC to Sri Karam Chendu Komireddy, Advocate [OPUC]
6. 11 LR Copies
7. The Under Secretary, Union of India Ministry of Law, Justice and Company Affairs, New Delhi
8. The Secretary, Telangana Advocates Association Library, High Court for the State of Telangana, High Court Buildings at Hyderabad.
9. Two CD Copies
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HIGH COURT

DATED:26/08/2025

ORDER

CRLP.No.41 of 2022



**ALLOWING THE
CRIMINAL PETITION**

23

02/8/25