

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

**MONDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

CRIMINAL PETITION NO: 8467 OF 2022



Between:

1. Ramavath Prasad Naik, S/o Hema Naik, Aged about 34 years, R/o D.No.26-30-7/5, Near Poleramma Temple, 4th lane, A.T.Agraharam, Guntur-522005 (A1)
2. Ramavath Bali, W/o Hema Naik, Aged about 55 years, R/o D.No.26-30-7/5, Near Poleramma Temple, 4th lane, A.T.Agraharam, Guntur-522005 (A2)
3. Ramavath Hema Naik S/o Redya Naik, Aged about 58 years, R/o D.No.26-30-7/5, Near Poleramma Temple, 4th lane, A.T.Agraharam, Guntur-522005, (A3)
4. Ramavath Guru Prasad Naik S/o Hema Naik, Aged about 32 years, R/o Balaji nagar Thanda, Gundlapalli, Nakarikallu mandal, Palnadu(Dist) (A4)
5. Lavuri Sarojini, W/o Veera Naik, Aged about 35 years, R/o Flat no.101, Sai Raj Residency, 4th lane, Main road, A.T.Agraharam, Guntur-522005(A5)

...PETITIONERS/ A1, A2 to A5

AND

1. The State Of Andhra Pradesh, Rep. By Station House Officer, Nagarjunasagar Police Station, Through Public Prosecutor, High court of Andhra Pradesh At Amaravati
2. Ramavath Sirisha, W/o Ramavath Prasad Naik, Aged about 26 years, R/o Chintalathanda Village, Macherla Mandal, Palnadu District

...RESPONDENTS

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 pleased to stay all proceedings against the petitioners in connection with FIR No.78 of 2022 of Nagarjuna sagar P.S., Palnadu District dated 23-08-2022 and to pass such other order or orders as this Hon'ble Court

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 proceedings against the petitioners in connection with FIR no.78 of 2022 of Nagarjuna sagar Police Station, Palnadu District dated 23-08-2022

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri J CH Y Narasimham, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and none appears for Respondent No.2

The Court made the following:

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CRIMINAL PETITION NO.8467 of 2022

ORDER:

The petitioners herein are arrayed as accused Nos.1 to 5 in Crime No.78 of 2022 of Nagarjunasagar Police Station, Palnadu District for the offences under Section 498-A of Indian Penal Code and Sections 3 & 4 of Dowry Prohibition Act.

2. The petitioners have now approached this Court with the contention that the complaint does not make out any case against any of them and only general and omnibus allegations have been made. The learned counsel for the petitioner would also submit that the complaint has been filed after the defacto-complainant and accused No.1 had filed an application for divorce by way of mutual consent before the Family Court and this clearly shows that the complaint had been filed, by the 2nd respondent, to gain advantage over the petitioners for settlement.

3. A perusal of the complaint shows that the defacto-complainant has made a specific allegation that the

signatures of the defacto-complainant in the divorce application were obtained by coercion. Further, the defacto-complainant has also stated that she was being harassed for additional dowry and the petitioners were harassing her by stating that unless she gets additional dowry, her husband, who is the petitioner No.1 would not lead a marital life with her. The defacto-complainant also alleges that she had also tried to commit suicide on account of the harassment of the petitioners and the said case was not registered as a medico- legal case at the request of the 1st petitioner.

4. In view of these allegations in the complaint, it would not be appropriate for this Court to intervene at this stage. It is further submitted by the learned Public Prosecutor that Section 41-A notices have already been given to the petitioners.

5. Accordingly, this Criminal Petition is dismissed. However, investigation shall go on strictly in accordance with the guidelines issued by the Hon'ble Supreme Court of India in

the case of Arnesh Kumar Vs. State of Bihar¹. There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

1 2014 (8) SCC 273

//TRUE COPY//

SD/- K. TATA RAO
DEPUTY REGISTRAR

car
/ SECTION OFFICER

To,

1. The Station House Officer, Nagarjuna sagar Police Station, Palnadu District.
2. One CC to Sri. J CH Y Narasimham, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court of A.P at Amaravathi [OUT]
4. Two CD Copies

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sree *M.m Bar*

1105 222 20

HIGH COURT

DATED:31/10/2022

ORDER

CRLP.No.8467 of 2022

⑥
M.M. Basu
25/7/23



DISMISSING THE CRIMINAL PETITION