

[2024] 2 S.C.R. 252 : 2024 INSC 101

Mamidi Anil Kumar Reddy
v.
The State of Andhra Pradesh & Anr.

(Criminal Appeal No. 758 of 2024)

05 February 2024

[Vikram Nath and Satish Chandra Sharma, JJ.]

Issue for Consideration

The High Court, if justified in refusing to quash the docket order which re-initiated criminal proceedings against the appellants for offences u/s. 420, 498A, 506 IPC and u/s. 3, 4 of the Dowry Prohibition Act, 1961.

Headnotes

Code of Criminal Procedure, 1973 – s. 482 – Quashing of the docket order – Matter pertaining to matrimonial disputes, wherein the High Court refused to quash the docket order which re-initiated criminal proceedings against the husband and in-laws for offences u/s. 420, 498A, 506 IPC and u/s. 3, 4 of the Dowry Prohibition Act, 1961 – Correctness:

Held: A bare perusal of the complaint, statement of witnesses' and the charge-sheet shows that the allegations against the husband and in-laws are wholly general and omnibus in nature; even if taken in their entirety, they do not prima facie make out a case against the husband and in-laws – Material on record neither discloses any particulars of the offences alleged nor discloses the specific role/allegations assigned to any of the husband and in-laws in the commission of the offences – Husband and in-laws approached the High Court on inter alia grounds that the proceedings were re-initiated on vexatious grounds and even highlighted the commencement of divorce proceedings by the wife, as such the High Court had a duty to consider the allegations with great care and circumspection so as to protect against the danger of unjust prosecution – Thus, the material on record being wholly insufficient to proceed against the husband and in-laws, the impugned orders and the docket order set aside and the criminal proceedings against the husband and in-laws quashed. [Paras 14, 17, 18]

Mamidi Anil Kumar Reddy v. The State of Andhra Pradesh & Anr.**Case Law Cited**

Kahkashan Kausar alias Sonam v. State of Bihar [2022] **1 SCR 558** : (2022) 6 SCC 599; *Mahmood Ali v. State of U.P.*, **Criminal Appeal No. 2341 of 2023** – referred to.

List of Acts

Code of Criminal Procedure, 1973; Penal Code, 1860; Dowry Prohibition Act, 1961.

List of Keywords

Docket Order; Reopening/re-initiating criminal proceedings; Matrimonial disputes; False implication; Statement of witnesses; Compromise; Lok Adalat; Divorce; Vexatious grounds; Unjust prosecution.

Case Arising From

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No.758 of 2024

From the Judgment and Order dated 23.11.2022 of the High Court of Andhra Pradesh at Amravati in CRLP No.2768 of 2022

With

Criminal Appeal No.759 of 2024

Appearances for Parties

D. Mahesh Babu, Adv. for the Appellant.

Mahfooz Ahsan Nazki, Polanki Gowtham, K V Girish Chowdary, T Vijaya Bhaskar Reddy, Ms. Rajeswari Mukherjee, Meeran Maqbool, Ms. Archita Nigam, Advs. for the Respondents.

Judgment / Order of the Supreme Court**Order**

1. Leave granted.
2. Both the appeals are being disposed of by the present common order.
3. The present appeals arise out of orders dated (i) 11.11.2022 in Criminal Petition No. 5710 of 2021 (the '**Impugned Order I**') and (ii) 23.11.2022 in Criminal Petition No. 2768 of 2022 (the '**Impugned Order II**'), passed by the High Court of Andhra Pradesh (collectively referred to as the '**Impugned Orders**').

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4. *Vide* the Impugned Orders, the High Court refused to quash the Docket Order dated 20.07.2021 which reinitiated criminal proceedings against the Appellants for offences u/s. 420, 498A, 506 of the IPC & u/s. 3, 4 of the Dowry Prohibition Act, 1961.

Brief Facts

5. The Appellants before us are the husband and the in-laws of Respondent No. 2 i.e., the de-facto complainant. After the case against the Appellants for the aforementioned offences was instituted, the parties were referred to the Lok Adalat by the Trial Court.
6. As per the Docket Order dated 26.06.2021, the parties entered into a compromise before the Lok Adalat and in consideration of the same, a petition for compounding of the offences was allowed by the Trial Court. Accordingly, the Appellants were acquitted by the Trial Court.
7. Thereafter, Respondent No. 2 altered her position and filed a memo before the Trial Court withdrawing her consent from the compromise. Consequently, *vide* Docket Order dated 20.07.2021, the Trial Court reopened the proceedings against the Appellants.
8. Aggrieved by this development, the Appellants approached the High Court u/s. 482 CrPC seeking to quash the Docket Order dated 20.07.2021 on *inter alia* grounds that Respondent No. 2 sought to reopen the criminal proceedings only to wreak vengeance upon the Appellants.
9. In case of the Appellant-husband, *vide* Impugned Order II, the High Court upheld the Docket Order dated 20.07.2021 and the set aside the compromise between the parties in view of the amendment¹ to Sec. 320(2) CrPC, applicable to the State of Andhra Pradesh. As per the amendment, compounding of an offence u/s. 498A is *only permissible after a lapse of three months* from the date of request for compounding.
10. In case of the in-laws, *vide* Impugned Order I, the High Court refused to grant the relief sought, noting the existence of *prima facie* allegations against the Appellants. However, in recognition of the fact that the allegations were general and omnibus in nature, the High Court dispensed with the presence of the Appellants during the trial and furthermore, left it open for the Trial Court to conduct trial.

¹ Andhra Pradesh Act 11 of 2003, sec. 2 (w.e.f. 01.08.2003)

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11. Learned Counsel for the Appellants vehemently submits that a bare perusal of the complaint filed by Respondent No.2 and the charge-sheet plainly discloses the absence of any necessary ingredients of the charged offences. It is submitted that the allegations are wholly general and omnibus in nature, made only with the intention to harass the Appellants, amounting to an abuse of the process of the law.
12. To buttress his contention, Learned Counsel for the Appellants has drawn the attention of this Court to the fact that Respondent No. 2 filed a petition seeking divorce and only thereafter, the memo seeking reopening of the criminal proceedings against the Appellants was filed before the Trial Court.
13. This Court has heard the Learned Counsel for the parties and perused the record.
14. In the considered opinion of this Court, there is significant merit in the submissions of the Learned Counsel for the Appellants. A bare perusal of the complaint, statement of witnesses' and the charge-sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not *prima facie* make out a case against the Appellants. The material on record neither discloses *any* particulars of the offences alleged nor discloses the specific role/allegations assigned to *any* of the Appellants in the commission of the offences.
15. The phenomenon of false implication by way of general omnibus allegations in the course of matrimonial disputes is not unknown to this Court. In [Kahkashan Kausar alias Sonam v. State of Bihar](#)², this Court dealt with a similar case wherein the allegations made by the complainant-wife against her in-laws u/s. 498A and others were vague and general, lacking any specific role and particulars. The court proceeded to quash the FIR against the accused persons and noted that such a situation, if left unchecked, would result in the abuse of the process of law.

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16. More recently, this Court in *Mahmood Ali v. State of U.P.*³, while considering the principles applicable to the exercise of jurisdiction u/s. 482 CrPC, observed as follows:

“12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/ registration of the case as well as the materials collected in the course of investigation. Take for instance the case

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on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

17. Considering the dicta in *Mahmood Ali* (supra), we find that the High Court in this case has failed to exercise due care and has mechanically permitted the criminal proceedings to continue despite specifically finding that the allegations are general and omnibus in nature. The Appellants herein approached the High Court on *inter alia* grounds that the proceedings were re-initiated on vexatious grounds and even highlighted the commencement of divorce proceedings by Respondent No. 2. In these peculiar circumstances, the High Court had a duty to consider the allegations with great care and circumspection so as to protect against the danger of unjust prosecution.
18. As stated above, given the facts and circumstances of the case, we find that the material on record is wholly insufficient to proceed against the Appellants. Accordingly, the Impugned Orders and the Docket Order dated 20.07.2021 are set aside and the criminal proceedings against the Appellants are consequently quashed.
19. Resultantly, the appeals stand allowed.
20. Pending applications, if any, shall also stand disposed of.

Headnotes prepared by: Nidhi Jain

*Result of the case:
Appeals allowed.*