

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE TWELFTH DAY OF JULY,
TWO THOUSAND AND TWENTY ONE

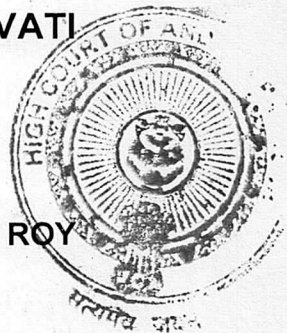
: PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

IA No. 2 OF 2021

IN

CRLP NO: 3838 OF 2021



Between:

Anumala Aruna Deepika,

...Petitioner/Accused

AND

1. State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati

...Respondent

2. Kommi Sunitha,

...Defacto Complainant

Counsel for the Petitioners: SRI NAGA PRAVEEN VANKAYALAPATI

Counsel for the Respondent No.1: PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to grant stay of all further proceedings including appearance of the petitioner in Crime in FIR No.118 of 2021 on the file of Disha Women Police Station, SPSR Nellore District, pending disposal of CRLP No.3838 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER

“The petitioner is A-2 in Crime No.118 of 2021 of Disha Women Police Station, SPSR Nellore District. A case under Sections 498-A, 114 IPC was registered against her along with other accused. The allegation against the petitioner is that she is the girlfriend of A-1, who is the husband of the de facto complainant and A-1 developed illegal intimacy with A-2.

The petitioner now seeks quash of the F.I.R mainly on the ground that only relative of the husband connected by blood or marriage alone is liable for prosecution under Section 498-A IPC and a girlfriend or concubine is not liable for prosecution under Section 498-A IPC as she is not relative either by blood or marriage to A-1, who is the husband of the de facto complainant.

This Court finds considerable force in the said contention of the petitioner. It is now well settled law that only a relative of a husband by blood or marriage is liable for prosecution under Section 498-A IPC. Girlfriend or concubine, being not

connected by blood or marriage, is not a relative of the husband for the purpose of Section 498-A IPC. The Apex Court in the case of U.Suvetha Vs. State reported in (2009) 6 SCC 757, held that persons who can commit offence under Section 498-A IPC are husband and relatives only. Girlfriend, being not a relative, cannot be charged under Section 498-A IPC.

Therefore, in view of the aforesaid legal position, the petitioner could make out a strong case warranting interference of this Court under Section 482 Cr.P.C to ascertain whether launching of criminal prosecution under Section 498-A IPC is legally sustainable or not and whether the aforesaid F.I.R registered against her is liable to be quashed or not.

Therefore, in the said facts and circumstances of the case, there shall be stay of further proceedings pursuant to registration of F.I.R in Crime No.118 of 2021 of Disha Women Police Station, SPSR Nellore District, only in respect of the petitioner, who is A-2. The Investigating Officer shall also not take any coercive steps including arrest against the petitioner, who is A-2. The investigation against the other accused shall go on.”

//TRUE COPY//

Sd/- G.HELA NAIDU
ASSISATNT REGISTRAR

SECTION OFFICER

To,

1. The Station House Officer, Disha Women Police Station, SPSR Nellore District. —
3. One CC to Sri Naga Praveen Vankayalapati, Advocate [OPUC] —
4. Two CCs to Public Prosecutor, High Court of Andhra Pradesh.[OUT] —
5. One spare copy

SP

HIGH COURT



CMRJ

DATED: 12/07/2021

ORDER

IA No. 2 OF 2021

IN

CriP.No.3838 of 2021

INTERIM DIRECTION