

## K. Subba Rao . vs The State Of Telangana on 21 August, 2018

**Equivalent citations: AIR 2018 SUPREME COURT 4009, (2018) 6 MH LJ (CRI) 403, (2018) 4 BOMCR(CRI) 640, (2018) 4 PAT LJR 39, (2018) 3 PUN LR 830, (2018) 72 OCR 219, (2018) 3 CRILR(RAJ) 893, 2019 (1) SCC (CRI) 605, (2018) 3 UC 1604, (2018) 10 SCALE 112, (2018) 3 CURCRIR 274, (2019) 193 ALLINDCAS 29 (SC), (2018) 4 ALLCRILR 188, (2018) 2 ALD(CRL) 672, 2018 CRILR(SC&MP) 893, (2019) 106 ALLCRIC 281, 2018 CRILR(SC MAH GUJ) 893, (2018) 3 DMC 277, 2018 (14) SCC 452, (2018) 9 ADJ 207 (ALL), 2019 (107) ACC (SOC) 23 (ALL), 2019 (108) ACC (SOC) 65 (ALL), (2019) 1 NIJ 41, AIRONLINE 2018 SC 327**

**Author: L. Nageswara Rao**

**Bench: L. Nageswara Rao, S.A. Bobde**

Non-Reportab

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1045 of 2018  
(Arising out of SLP (CrI.) No.3286 of 2016)

K. SUBBA RAO & ORS.

.... Appellant(s)

Versus

THE STATE OF TELANGANA REP.  
DEPARTMENT OF HOME AND ORS.

BY ITS SECRETARY,

...Respondent(s)

JUDGMENT

L. NAGESWARA RAO, J.

Leave granted.

1. Respondent No.2 submitted a complaint to the Chandanagar Police Station, Cyberabad, District Hyderabad on 20.12.2015 alleging harassment by her husband and his family members including the Appellants who are the maternal uncles of her husband. She also complained of the kidnapping

of her son by the husband. On the basis of the said complaint, an FIR was registered under Sections 498 A of the Indian Penal Code, 1860 (hereinafter referred SANJAY KUMAR Date: 2018.08.21 17:25:48 IST Reason:

to as 'the IPC') at Chandanagar Police Station, Cyberabad, District Hyderabad on the same day. The Appellants filed a petition under Section 482 Cr. P.C. for quashing the proceedings in the crime registered pursuant to the complaint of Respondent No.2. The High Court dismissed the said petition by its judgment dated 22.01.2016. The Station House Officer, Chandanagar Police Station, Cyberabad was directed not to arrest the Appellants till the completion of the investigation. Aggrieved by the judgment of the High Court by which the petition under Section 482 Cr. P.C. filed by the Appellants was dismissed, they have filed the present appeal.

2. A charge sheet was filed on 12.03.2017 under Sections 498A, 120 B, 420, 365 IPC after completion of the investigation in Crime No.477 of 2015, Chandanagar Police Station, Cyberabad. The Appellants are shown as A-4 to A-

6. As per the charge sheet, Respondent Nos.2 and 3 married on 08.12.2008 and were mostly residing in the United States of America. There was a marital discord between them. The allegations against the Appellants are that they were supporting the third Respondent/husband who was physically and mentally torturing the second Respondent. The Appellants also conspired with the third Respondent who kidnapped the child from the custody of the second Respondent and took him away to the U.S.A.

3. During the course of hearing, we enquired with the learned Counsel for the State of Telangana whether a supplementary charge sheet was being filed against the Appellants. He produced a copy of the supplementary charge sheet dated 20.12.2017.

4. A perusal of the charge sheet and the supplementary charge sheet discloses the fact that the Appellants are not the immediate family members of the third Respondent/husband. They are the maternal uncles of the third Respondent. Except the bald statement that they supported the third Respondent who was harassing the second Respondent for dowry and that they conspired with the third Respondent for taking away his child to the U.S.A., nothing else indicating their involvement in the crime was mentioned. The Appellants approached the High Court when the investigation was pending. The charge sheet and the supplementary charge sheet were filed after disposal of the case by the High Court.

5. Criminal proceedings are not normally interdicted by us at the interlocutory stage unless there is an abuse of process of a Court. This Court, at the same time, does not hesitate to interfere to secure the ends of justice. See State of Haryana v. Bhajan Lal 1992 Supp. (1) SCC

335. The Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out. See *Kans Raj v. State of Punjab & Ors.*

(2000) 5 SCC 207 and *Kailash Chandra Agrawal and Anr. v. State of Uttar Pradesh & Ors.* (2014) 16 SCC

551.

6. The counsel for the second Respondent submitted that certain documents belonging to the second Respondent were seized from the Appellants which would show their active involvement in the kidnapping of her child. On an overall consideration of the contents of the charge sheet, supplementary charge sheet and the submissions made on behalf of the Respondent No.2, we are of the opinion that a prima facie case has not been made out against the Appellants for proceeding against them under Sections 498 A, 120 B, 420 and 365 IPC.

7. For the aforementioned reasons, we quash the proceedings qua the Appellants in Crime No.477 of 2015, dated 20.12.2015 under Sections 498 A, 120 B, 420, 365 IPC registered at Chandanagar Police Station, Cyberabad before the Court of IX, Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, Commissionerate.

8. The appeal is accordingly allowed.

.....J. [S.A. BOBDE] .....J. [L. NAGESWARA RAO] New Delhi,  
August 21, 2018.