

APHC010451872022



IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)

[3396]

MONDAY, THE SIXTEENTH DAY OF JUNE  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**CRIMINAL PETITION Nos. 6783, 7064 AND 6830 OF 2022**

**Criminal Petition No.6783/2022:**

**Between:**

- 1.VISWANATHAN KRISHNA MURTHY, S/O. VISWANATHAN, AGED. 25 YEARS, OCCUPATION. STUDENT NO.18/8, SBI OFFICERS COLONY, RAZAK GARDEN ROAD, ARUNTAKKAM, CHENNAI - 600106

**...PETITIONER/ACCUSED**

**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATHI,
- 2.POKALA SABHANA, D/O POKALA ANJANEYULU .AGED.24 YEARS, OCCUPATION.NIL GANTAPALEM, ONGOLE, PRAKASAM DT, ANDHRA PRADESH

**...RESPONDENT/COMPLAINANT(S):**

**Criminal Petition No.7064 of 2022:**

**Between:**

- 1.KRISHNA MURTHY VISWANATHAM, S/O. VISWANATHAN, AGED.57 YEARS, OCCUPATION. EMPLOYEE NO.18/8, SBI OFFICERS COLONY, RAZAK GARDEN ROAD, ARUMBAKKAM, CHENNAI - 600106 (FATHER OF AL)
- 2.VISWANADAN VIDYA,, W/O. VISWANATHAN, AGED.52 YEARS, OCCUPATION. HOUSE WIFE NO.18/8, SBI OFFICERS COLONY, RAZAK GARDEN ROAD, ARUMBAKKAM, CHENNAI - 600106 (MOTHER OF AL)

**...PETITIONER/ACCUSED(S)**

**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATHI,
- 2.POKALA SABHANA, D/O POKALA ANJANEYULU AGED.24 YEARS, OCCUPATION. NIL GANTAPALEM, ONGOLE, PRAKASAM DT, ANDHRA PRADESH

**...RESPONDENT/COMPLAINANT(S):**

**Criminal Petition No.6830 of 2022:****Between:**

- 1.KESAVARAJ PARTHIBHAN, S/O. KESAVARAJ, AGED. 37 YEARS, OCCUPATION. BUSINESS NO.17, RAZAK GARDEN ROAD, ARUMBAKKAM, CHENNAI - 600110

**...PETITIONER/ACCUSED****AND**

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATHI,
- 2.POKALA SABHANA, D/O POKALA ANJANEYULU AGED.24 YEARS, OCCUPATION. NIL GANTAPALEM, ONGOLE, PRAKASAM DT. ANDHRA PRADESH

**...RESPONDENT/COMPLAINANT(S):****Counsel for the Petitioner/accused:**

- 1.THANDAVA YOGESH

**Counsel for the Respondent/complainant(S):**

- 1.PUBLIC PROSECUTOR (AP)

**The Court made the following:****COMMON ORDER:**

1. These instant petitions under Section 482 of Code of Criminal Procedure, 1973<sup>1</sup> have been filed by the Petitioners/Accused Nos.1, 2 & 3 and 4 respectively, seeking quashment of proceedings against them in C.C.No.585 of 2022 on the file of the Court of II Additional Munsif Magistrate, Ongole, for the offence punishable under Section 498-A read with 34 of the Indian Penal Code, 1860<sup>2</sup> and Section 4 of the Dowry Prohibition Act, 1961<sup>3</sup>. Since all these criminal petitions are seeking to quash the proceedings out of the same C.C., they are decided together by this common order.

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<sup>1</sup> for short 'Cr.P.C'

<sup>2</sup> for short 'IPC'

<sup>3</sup> for short 'DP Act'

**Background leading to the filing of these Petitions**

2. The case of Respondent No.2/Complainant, in brief, is as follows:

a. Respondent No.2 was originally a male and, having transitioned to female, has become a woman. While residing in Chennai, Respondent No.2 became acquainted with the Petitioner/Accused No.1, and their acquaintance developed into a romantic relationship. Despite being aware that Respondent No.2 is a transgender woman, Petitioner/Accused No.1 continued the relationship with her. Upon learning about their affair, Petitioners/Accused Nos.2 and 3 lodged complaints against her.

b. In January 2018, Petitioner/Accused No.1 informed her that he had convinced his parents about their relationship, and consequently, they began living together. On 11.01.2019, Respondent No.2 and Petitioner/Accused No.1 executed a Memorandum of Understanding and subsequently got married on 21.01.2019 at Arya Samaj, Hyderabad, in accordance with Hindu rites and customs. At the time of the marriage, the parents of Respondent No.2 gave an amount of Rs.10,00,000/- to Petitioner/Accused No.1 as dowry, along with 25 sovereigns of gold, silver articles weighing 500 grams, and household items worth Rs.2,00,000/-.

c. After the marriage, Respondent No.2 and Accused No.1 resided at her parents' house in Ongole. They occasionally visited the house of Petitioners/Accused Nos.2 and 3 in Chennai. Petitioners/Accused Nos.2 and 3 maintained cordial relations with Respondent No.2 and frequently communicated with her over the phone. Respondent No.2 and Accused No.1

lived together until 11.03.2019. Thereafter, he went to his parents' house and did not return. When she tried to contact Accused No.1, his phone was switched off. When Respondent No.2 contacted Accused No.3, she replied *via* message stating that they had gone to Mumbai and that she would ask Accused No.1 to speak with Respondent No.2.

**d.** On 13.03.2019, when Respondent No.2 went to the house of the Petitioners, she discovered that Accused No.1 was present there. Petitioners/Accused Nos.2 and 3 attempted to send Accused No.1 out of the country. On 27.04.2019, Respondent No.2 received a threatening message from Accused No.1's phone, warning her to leave the place or face death. She also received vulgar messages. Petitioners/Accused Nos.1 to 3 acted under the direction of Petitioner/Accused No.4. Therefore, she lodged a complaint against Petitioners/Accused Nos.1 to 4, which was registered as Crime No.25 of 2019 at the Women Police Station, Ongole, for offences under Section 498-A read with Section 34 of the IPC and Section 4 of the D.P. Act, 1961.

**e.** After completing the investigation, the police filed a charge sheet against the Petitioners for the said offences, which was numbered as C.C. No.585 of 2022 on the file of the Court of II Additional Munsif Magistrate, Ongole.

**f.** Seeking the quashment of the said C.C., the present petitions are preferred. Hence CrI.Ps.

### Arguments Advanced at the Bar

3. Heard Sri Thandava Yogesh, learned counsel for the Petitioners and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for Respondent Nos.1 and 2.

4. Learned counsel for the Petitioners/Accused Nos.1 to 4 would submit that trans-woman, who is a transgender cannot be considered as a 'woman', to lodge a complaint against the husband and his relatives for the offence under Section 498-A IPC. Learned counsel would further submit that the Hon'ble Supreme Court in **Supriyo @ Supriya Chankraborty & another v. Union of India**<sup>4</sup> categorically held that they are not going to read 'transgender' as 'woman' under family law. Learned counsel would also submit that since a transgender cannot bear a child; she cannot be considered as a mother and cannot be considered as a woman in complete sense as such to maintain the complaint for the alleged offences herein. Learned counsel would further submit that in **Supriyo**(referred *supra*), the Hon'ble Supreme Court issued a slew of directions to the Central Government to constitute a Committee chaired by the Cabinet Secretary for the purpose of defining and elucidating the scope of entitlements of queer couples. Learned counsel heavily placed reliance on the observations made by the Hon'ble Supreme Court in **Supriyo**(referred *supra*) at Paragraph Nos.340 (h), (m) and (s).

5. Learned counsel for the Petitioners would in addition, submit that the allegations levelled against the Petitioners are baseless and they do not

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<sup>4</sup> 2023 INSC 920

attract the offences under Section 498-A IPC and Section 4 of D.P. Act. He would further contend that even if all the allegations are assumed to be true, at best, it would be a case for filing a writ of habeas corpus or, since the Respondent No.2 claims to be the wife of Petitioner/Accused No.1, a petition for restitution of conjugal rights. He further argues that Petitioner/Accused No.4 is not related to Accused Nos.1 to 3, and therefore, the complaint against him is not maintainable. Learned counsel would finally submit that the allegations levelled against the Petitioners are bald and omnibus and as such, continuation of proceedings against the Petitioners is an abuse of process of law. Hence, prayed for quashment of the proceedings against the Petitioners.

6. *Per contra*, learned Assistant Public Prosecutor would submit that, there are specific allegations against the Petitioners relating to the commission of the alleged offences. It is argued that the truth or otherwise of the said allegations has to be revealed during trial and at this stage, the proceedings against the Petitioners cannot be quashed. Hence, she prayed for dismissal of the petitions.

### **Point for Determination**

7. Having heard the submissions of the learned counsel representing both the parties, now the points that would emerge for determination are:

*(1) Whether the complaint lodged by Respondent No.2, being a trans woman, for the offence under Section 498-A read with 34 IPC and Section 4 of D.P. Act, is maintainable or not?*

**(2)** *Whether there are any justifiable grounds for quashment of the proceedings against the Petitioners/Accused Nos.1 to 4 in C.C.No.585 of 2022 on the file of the Court of II Additional Munsif Magistrate, Ongole?*

### **Determination by the Court**

#### **Point No. (1):**

8. The adjudication of this point requires adequate emphasis on the judicial pronouncements concerning the rights of the transgender persons and a brief contextual understanding. Gender of a person may not necessarily align with the sex assigned to them at birth. A transgender person is one whose gender identity does not conform to the assigned sex. Transgender individuals may choose to undergo hormonal/laser therapy or sex reassignment surgery, in order to align their physical characteristics with their gender identity. It is also apposite to clearly understand certain terms *viz.*, ‘*cis-male*’, ‘*cis-female*’, ‘*transwoman*’ and ‘*transman*’. *Cis male* is a man whose gender identity aligns with the sex he was assigned at birth. In simpler terms, it means a person, who identifies as a man and was also designated male when he was born. *Cis female* means a person assigned female at birth, who identifies as a woman. A ‘*transman*’ is a person who was assigned female at birth but identifies and lives as a man. Conversely, a ‘*transwoman*’ is a person who was assigned male at birth but identifies and lives as a woman.

9. In **National Legal Services Authority v. Union of India**,<sup>5</sup> the Hon'ble Supreme Court dealt with the grievances of the members of transgender

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<sup>5</sup>(2014) 5 SCC 438

community who sought legal declaration of their gender identity than the one that is assigned to them at the time of birth along with a prayer to declare such non-recognition as violative of Articles 14 and 21. The Court has categorically held that the Constitution protects non-binary individuals and that the protections envisaged under Articles 14, 15, 16, 19 and 21 cannot be restricted to the biological sex of “*male*” or “*female*”. It is relevant to extract the portions from the decision in which emphasise on the right to self-identification of the transgender persons at paras 105 and 129;

*“105. If person has changed his/her sex in tune with his/her gender characteristics and perception which has become possible because of the advancement in medical science, and when that is permitted by in medical ethics with no legal embargo, we do not find any impediment, legal or otherwise, in giving due recognition to the gender identity based on the reassign sex after undergoing SRS.*

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**129.** *We, therefore, declare:*

*(2) Transgender persons' right to decide their self-identified gender is also upheld and the Centre and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender.”*

(emphasis supplied)

**10.** Pursuant to the decision in **National Legal Services Authority** (referred supra), the Parliament enacted the Transgender Persons (Protection of Rights) Act, 2019. The Act 2019 provides for the protection of the rights of transgender persons and seeks to eliminate discrimination against the transgender community both in public as well as private spaces. The Act, 2019 establishes a mechanism for the legal recognition of the gender identity of transgender persons through the issuance of a certificate of identity by the



District Magistrate, thereby affirming the right of every transgender person to a self-perceived gender identity.

11. The term ‘*transgender person*’ is defined under Section 2(k) of the Act, 2019, as follows:

**“2(k) “transgender person” means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.”**

12. It is clear from the inclusive definition as provided under Section 2(k) of the Act, 2019 that a person’s transgender identity is not contingent upon undergoing any medical or surgical procedure.

13. In the decision of **K.S. Puttaswamy v. Union of India**,<sup>6</sup> a Bench of Nine Judges of Hon'ble Supreme Court has held that sexual orientation is a facet of a person's privacy which is a fundamental right under our Constitution and that discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual. A Bench of five Judges of the Hon'ble Supreme Court in **Navtej Singh Johar v. Union of India**,<sup>7</sup> while decriminalising Section 377 of IPC has held that homosexuality is based on a sense of identity and is as much ingrained, inherent and innate as heterosexuality and that homosexuals have the fundamental right to live with dignity, are “entitled to the protection of equal laws, and are entitled to be

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<sup>6</sup>(2017) 10 SCC 1

<sup>7</sup>(2018) 10 SCC 1

treated in society as human beings without any stigma being attached to any of them.”

**14. In *Arunkumar v. Inspector General of Registration*<sup>8</sup>**, the Hon’ble Madras High Court held that every person has a right to self-identify one's own gender and thus the expression ‘bride’ occurring in Section 5 of the Hindu Marriage Act, 1955 will have to include not only a woman but also a transgender woman. The Hon'ble Madras High Court held that the State could not disallow gender expression, and a marriage solemnized between a male and a transwoman who are both Hindus is valid under the Hindu Marriage Act.

**15.** It is also imperative to note that the Bombay High Court in ***Vithal Manik Khatri v. Sagar Sanjay Kamble and Others***.<sup>9</sup> dealt with an issue pertaining to filing of a complaint under the Domestic Violence Act, 2005 by a transgender person who underwent sex change surgery. The High Court took support from the decision of the Hon’ble Supreme Court in ***National Legal Services Authority*** (referred supra) at para 105 and 129 to view there is no manner of doubt that transgender persons or either a male or female who has performed a sex change operation are entitled to gender to their choice and concluded that a person who has exercised his right to decide the self-identified gender of women is an aggrieved person within the meaning of Section 2(a) of the Domestic Violence Act, 2005.

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<sup>8</sup> AIR 2019 Mad 265

<sup>9</sup> MANU/MH/1221/2023

**16.** The fundamental issues involved in the decision of **Supriyo** (referred supra) are concerning the recognition of “right to marry” as a fundamental right in case of non-heterosexual relationships and the constitutionality of the Special Marriage Act, 1954. A five judge Bench of the Hon’ble Supreme Court by a 3:2 majority while upholding the validity of the Special Marriage Act, 1954 which only recognises marriages between heterosexual couples, concluded that there is no unqualified fundamental right to marry under the Constitution. The majority held that any legal recognition of same-sex marriages would require legislative action, not judicial interpretation or intervention.

**17.** On the other hand, the Hon’ble The Chief Justice Dr. D.Y. Chandrachud in his minority opinion in **Supriyo** (referred supra) was of the following view in relation to the transgender persons in heterosexual relationships;

*“340. In view of the discussion above, the following are our conclusions:*

*m. Transgender persons in heterosexual relationships have the right to marry under existing law including personal laws which regulate marriage;”*

*(emphasis supplied)*

**18.** While concurring with this point, in the majority opinion authored by the Hon’ble Justice S. Ravindra Bhat in **Supriyo** (referred supra), at para 119, it was observed as follows;

*“119. We are in agreement with the Part (xi) of the learned Chief Justice’s opinion which contains the discussion on the right of transgender persons to marry. We are also in agreement with the discussion relating to gender identity [i.e., sex and gender are not the same, and that there are different people whose gender does not match with that assigned at birth, including transgender men and women, intersex persons, other queer gendered persons, and persons with socio-cultural identities such as hijras] as well*

*as the right against discrimination under the Transgender Persons Act 2019. Similarly, discussion on the provisions of the Transgender Persons Act, 2019 and enumeration of various provisions, remedies it provides, and harmonious construction of its provisions with other enactments, do not need any separate comment. **Consequently, we agree with the conclusion [(G(m)) that transgender persons in heterosexual relations have the right to marry under existing laws, including in personal laws regulating marriage. The court's affirmation, of the HC judgment in Arun Kumar v. Inspector General of Registration is based upon a correct analysis.***

(emphasis supplied)

19. It is pertinent to note that despite denying legal validity to same-sex marriage, the Court unanimously directed the Union government to form a high-level committee under the Cabinet Secretary to examine and recommend measures ensuring equal rights for queer couples in areas such as adoption, healthcare, succession, pensions, and financial services. The Hon'ble Court's clarification that transgender individuals in heterosexual relationships have the right to marry under the existing legal framework strikes at the very argument raised by the learned counsel for the Petitioners in the case on hand, who placed reliance on the said decision.

20. In the instant case, primarily, though no certificate obtained from the District Magistrate has been filed, the certificate issued by Dr. V. Jayaraman, Professor and Head of Department of Burns, Plastic and Reconstructive surgery, Kilpauk Medical Hospital, Chennai, which is enclosed with the charge sheet, discloses that the same was issued certifying the Respondent No.2 as a 'transgender'. There is also no dispute about the factum of the marriage between Respondent No.2 and Petitioner/Accused No.1, in view of the

marriage certificate issued by Arya Samaj, Hyderabad, which is in essence a heterosexual relationship.

**21.** The argument of the learned counsel for the Petitioner that the Respondent No.2, being a trans woman, cannot be regarded as a 'woman' merely because she is incapable of biological reproduction, is deeply flawed and legally impermissible. Such a narrow view of womanhood with reproduction undermines the very spirit of the Constitution, which upholds dignity, identity, and equality for all individuals, irrespective of gender identity. The Hon'ble Supreme Court in **National Legal Services Authority** (referred supra) has unequivocally recognized the rights of transgender persons, including their right to self-identify their gender. To deny a trans woman the status of a 'woman' for the purpose of legal protection under Section 498-A IPC solely on the ground of her reproductive capacity is to perpetuate discrimination and to violate Articles 14, 15, and 21 of the Constitution. Such a contention, therefore, deserves to be rejected at the outset.

**22.** In view of the foregoing discussion and the judgments referred to *supra*, this Court is of the view that, Respondent No.2, being a transwoman in a heterosexual relationship, cannot be deprived of her right to lodge a complaint against her husband or the relatives of her husband for the alleged offences. Therefore, the complaint lodged by Respondent No.2 in the present crime for the alleged offences, is maintainable. Accordingly, Point No. (1) is answered.

**Point No. (2):**

**23.** A bare perusal of Section 482 of the Code makes it clear that the Code envisages that inherent powers of the High Court are not limited or affected so as to make orders as may be necessary; (i) *to give effect to any order under the Code or, (ii) to prevent abuse of the process of any Court or, otherwise (iii) to secure ends of justice.* A court while sitting in Section 482 jurisdiction is not functioning as a trial court, court of appeal or a court of revision. It must exercise its powers to do real and substantial justice, depending on the facts and circumstances of the case. These powers must be invoked for compelling reasons of abuse of process of law or glaring injustice, which are against sound principles of criminal jurisprudence.

**24.** In the context of quashment of criminal proceedings initiated in matrimonial matters, the Hon'ble Supreme Court and this Court has delivered numerous decisions. It is relevant to refer to a few, at this juncture.

**25.** In **Dara Lakshmi Narayana & Ors. vs. State of Telangana & Anr.**<sup>10</sup> the Hon'ble Apex Court deprecated the practice of involving the relatives of the husband in dowry related matters with bald allegations, as follows;

*“25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping*

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<sup>10</sup> (2024) 12 SCR 559

*accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.*

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**28.** *The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm-twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them."*

*(emphasis supplied)*

**26.** This view was reiterated in the recent decisions of the Hon'ble Supreme Court in **Muppidi Lakshmi Narayana Reddy & Ors. v. The State Of Andhra Pradesh &Anr.**<sup>11</sup> and **ABC v. State of Uttar Pradesh**<sup>12</sup> It is thus a trite proposition in law that to meet the threshold of the offences under Section

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<sup>11</sup> 2025 INSC 562

<sup>12</sup> 2025 INSC 671

498A IPC & Sections 3 & 4 of the D.P. Act, the allegations cannot be vague or bald or ambiguous or made in thin air.

**27.** In the present case, as seen from the contents of the complaint, it is alleged against Accused No.1 that, having knowledge that Respondent No.2 is a transgender, loved her, lived with her for some period and subsequently married her in Arya Samaj, Hyderabad on 20.01.2019. Subsequent to their marriage, they both lived in her parental home at Ongole and Accused Nos.2 and 3, who are her in-laws used to talk to her over phone and she along with Accused No.1 used to visit the house of Accused Nos.2 and 3 at Chennai. The entire complaint does not disclose even a single allegation to show that either Accused No.1 or Accused Nos.2 and 3 subjected her to cruelty or demanded dowry. The only allegation against Accused No.1 is that, he left to his parents' house on 13.03.2019 and did not return to her. Further, she stated in her complaint that, on 27.04.2019 she received a message from the mobile of Accused No.1 cautioning her to go back otherwise, she would be killed. Further, except stating that at the time of marriage, the parents of Respondent No.2 gave dowry and gold and silver articles to Accused No.1, there is no iota of material to buttress the said allegation. Further, to attract the offence under Section 4 of the Dowry Prohibition Act, there should be a demand of dowry by the Accused. In the instant case, it is not the case of Respondent No.2 that Accused No.1 demanded dowry from the parents of Respondent No.2. Admittedly, the marriage of Respondent No.2 and Accused No.1 was a love marriage. Such



being the case, the allegation that Accused No.1 received dowry and other articles from the parents of Respondent No.2, is far from truth.

**28.** So far as the Petitioners/Accused Nos.2 and 3 are concerned, there is not even a single allegation against them to show that they subjected Respondent No.2 to cruelty, to attract the offence under Section 498-A IPC. Moreover, the marriage had taken place in Arya Samaj with the help of their friends and there was no presence of Accused Nos.2 and 3 at the time of the marriage. The only allegation against Accused Nos.2 and 3 is that with the help of Accused No.4, they are trying to send Accused No.1 away from India. In the complaint, Respondent No.2 clearly stated that there was a cordial relation between her and Accused Nos.2 and 3 and she used to visit their house along with Accused No.1. The entire complaint does not disclose the *prima facie* allegations against Accused Nos.2 and 3 to attract either the offence under Section 498-A IPC or Section 4 of the D.P. Act. Even if the allegations raised in the complaint are taken at their face value and accepted in their entirety, they do not *prima facie* constitute any offence or make out a case against Accused Nos.2 and 3.

**29.** Coming to the case of Petitioner/Accused No.4, it is alleged against him that Accused Nos.1 to 3 are acting to the dictates of Petitioner/Accused No.4, who is their relative. Once again, except the said bald and omnibus allegation, there is no material to connect the Petitioner/Accused No.4 with the alleged offence. Nowhere, either in the charge sheet or in the FIR, it is mentioned about the involvement of the

Petitioner/Accused No.4 in the commission of the alleged offences. Mere allegation that Accused Nos.1 to 3 are acting to the tunes of Accused No.4, is not a ground to connect him with the alleged offences. The allegation levelled against Accused No.4 is baseless.

**30.** Except bald and omnibus allegations against Petitioners, no *prima facie* case is made out. All the allegations are either vague or general in nature. Therefore, continuation of the impugned proceedings against the Petitioners/Accused Nos.1 to 4 is nothing but an abuse of process. In such circumstances, this Court is of the view that there are justifiable grounds to exercise the inherent powers under Section 482 Cr.P.C to quash the criminal proceedings. Accordingly, Point No.(2) is answered.

**31.** In result, these Criminal Petitions are allowed. The criminal proceedings against the Petitioners/Accused Nos.1 to 4 in C.C.No.585 of 2022 on the file of the Court of II Additional Munsif Magistrate, Ongole for the offences under Section 498-A read with 34 IPC and Section 4 of the D.P. Act, are hereby quashed. This Court makes it clear that, a transwoman / transgender, who is in a heterosexual relationship in marriage, shall have protection under Section 498-A IPC.

Pending miscellaneous petitions, if any, shall stand closed.

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**Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA**

Date:16.06.2025

**Note: L.R.Copy to be marked**

*Dinesh*

**HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA**

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**2022**  
**Dt.16.06.2025**

*Dinesh*

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PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATHI,  
 2. POKALA SABHANA, D/O POKALA ANJANEYULU AGED.24 YEARS,  
 OCCUPATION. NIL GANTAPALEM, ONGOLE, PRAKASAM DT.  
 ANDHRA PRADESH

**...RESPONDENT/COMPLAINANT(S):**

DATE OF JUDGMENT PRONOUNCED: **16.06.2025**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA**

- |    |  |        |
|----|--|--------|
| 1. | Whether Reporters of Local Newspapers<br>may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be<br>marked to Law Reporters / Journals? | Yes/No |
| 3. | Whether Her Lordship wish to<br>see the fair copy of the Judgment?           | Yes/No |

**Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**\* THE HON'BLE Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**+ CRIMINAL PETITION Nos. 6783, 7064 AND 6830 OF 2022**

**% 16.06.2025**

**Criminal Petition No.6783/2022:**

**Between:**

- 1.VISWANATHAN KRISHNA MURTHY, S/O. VISWANATHAN, AGED. 25 YEARS, OCCUPATION. STUDENT NO.18/8, SBI OFFICERS COLONY, RAZAK GARDEN ROAD, ARUNTAKKAM, CHENNAI - 600106

**...PETITIONER/ACCUSED**

**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATHI,
- 2.POKALA SABHANA, D/O POKALA ANJANEYULU .AGED.24 YEARS, OCCUPATION.NIL GANTAPALEM, ONGOLE, PRAKASAM DT, ANDHRA PRADESH

**...RESPONDENT/COMPLAINANT(S):**

**Criminal Petition No.7064 of 2022:**

**Between:**

- 1.KRISHNA MURTHY VISWANATHAM, S/O. VISWANATHAN, AGED.57 YEARS, OCCUPATION. EMPLOYEE NO.18/8, SBI OFFICERS COLONY, RAZAK GARDEN ROAD, ARUMBAKKAM, CHENNAI - 600106 (FATHER OF AL)
- 2.VISWANADAN VIDYA,, W/O. VISWANATHAN, AGED.52 YEARS, OCCUPATION. HOUSE WIFE NO.18/8, SBI OFFICERS COLONY, RAZAK GARDEN ROAD, ARUMBAKKAM, CHENNAI - 600106 (MOTHER OF AL)

**...PETITIONER/ACCUSED(S)**

**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATHI,
- 2.POKALA SABHANA, D/O POKALA ANJANEYULU AGED.24 YEARS, OCCUPATION. NIL GANTAPALEM, ONGOLE, PRAKASAM DT, ANDHRA PRADESH

**...RESPONDENT/COMPLAINANT(S):**

**Criminal Petition No.6830 of 2022:**

**Between:**

- 1.KESAVARAJ PARTHIBHAN, S/O. KESAVARAJ, AGED. 37 YEARS, OCCUPATION. BUSINESS NO.17, RAZAK GARDEN ROAD, ARUMBAKKAM, CHENNAI - 600110

**...PETITIONER/ACCUSED**

**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATHI,
- 2.POKALA SABHANA, D/O POKALA ANJANEYULU AGED.24 YEARS, OCCUPATION. NIL GANTAPALEM, ONGOLE, PRAKASAM DT. ANDHRA PRADESH

**...RESPONDENT/COMPLAINANT(S):**

! Counsel for Appellant : Sri Thandava Yogesh  
 ^ Counsel for Respondents : Ms.K.Priyanka Lakshmi,  
 Assistant Public Prosecutor

< Gist:

> Head Note:

? Cases referred:

1. 2023 INSC 920
2. (2014) 5 SCC 438
3. (2017) 10 SCC 1
4. (2018) 10 SCC
5. AIR 2019 Mad 265
6. MANU/MH/1221/2023
7. (2024) 12 SCR 559
8. 2025 INSC 562
9. 2025 INSC 671

This Court made the following: