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| Date on which Order/Judgment was reserved | : | 08.04.2026 |
| Date on which Order/Judgment was pronounced | : | 17.06.2026 |
| Date on which Order/Judgment was uploaded on the website of the High Court | : | 17.06.2026 |

**APHC010099392023**

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI [3327]**
**(Special Original Jurisdiction)**

WEDNESDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY**

**CRIMINAL PETITION NO: 1595/2023**

**Between:**

1. SODABATTULA SANDEEP, S/O SEETHARAMUDU, AGED. 23 YEARS, OCC. PREPARING FOR CIVIL SERVICES EXAMINATIONS AT HYDERABAD, R/O. D.NO.32-42-10/23, OPP TO POWER OFFICE, GULAM MOHIDDIN NAGAR, CHUTTUGUNTA, VIJAYAWADA. NOW AT. FLAT NO.506, PAVAN RIVERA APARTMENTS, OPP. FISH MARKET LANE, RAMALINGESWARA NAGAR, YANAMALAKUDURU, VIJAYAWADA.

**...PETITIONER/ACCUSED**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY IT'S PUBLIC PROSECUTOR, HIGH COURT OF A.P. THROUGH SUB-INSPECTOR OF POLICE, DISHA POLICE STATION, VIJAYAWADA CITY, KRISHNA DISTRICT.
2. GANTA NAGA KUMARI, D/O. VUCHA VEERA VENKATESWARA RAO, AGED. 36 YEARS, OCC. WARD VOLUNTEER, R/O. D.NO.61-15-8, V.M.R. ROAD (8TH LANE), RAMALINGESWARA NAGAR, VIJAYAWADA.

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

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to quash the proceedings against the petitioner in C.C.No.3585/2022 registered on 25-07-2022 under the sections 417, 420, 406, 509 and 506 of IPC on

the file of II Addl. Chief' Metropolitan Magistrate Court, Vijayawada, and pass

**IA NO: 1 OF 2023**

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all further proceedings in C.C.No.3585/2022 registered on 25-07-2022 under the sections 417, 420, 406, 509 and 506 of IPC on the file of II Addl. Chief Metropolitan Magistrate Court, Vijayawada, including the dispense with of the appearance of the petitioner to the proceedings, pending disposal of the main quash petition and pass

**IA NO: 1 OF 2026**

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased to extend the Interim orders, dated 11.05.2023 in CrI. P. No.1595 of 2023 which were extended from time to time and pass

**Counsel for the Petitioner/accused:**

1. MUNDURU ESWAR BRAHMANAND

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

1. PUBLIC PROSECUTOR (AP)

**The Court made the following:**

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY**

**CRIMINAL PETITION NO.1595 OF 2023**

**O R D E R**

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'CrPC') has been filed by the petitioner/ Accused, to quash the charge sheet in Calendar Case No.3585 of 2022 pending on the file of the learned II Additional Chief Metropolitan Magistrate, Vijayawada, arising out of a case in Crime No.133 of 2021 of Disha Police Station, Vijayawada city, registered against the petitioner/Accused, for the offences punishable under Section 417, 420, 406, 509 and 506 of the Indian Penal Code, 1860 (for brevity 'IPC').

2. Contents of the charge sheet, in brief, are that the respondent No.2/*de facto* complainant is working as Sachivalayam Volunteer and has been living with her mother L.W2/Vucha Varalakshmi. The respondent No.2/*de facto* complainant is having two sons and her husband has been staying in Hyderabad due to his employment.

(b) On 14.03.2021 at about 10.00 p.m. the respondent No.2/ *de facto* complainant was alleged to have received a message from the accused mobile number *viz.,* 9963009493, greeting 'Hi', and when

the respondent No.2/*de facto* complainant replied to the said message to tell, she was alleged to have again received a reply from the accused mobile number asking name and other particulars of respondent No.2/*de facto* complainant. There occurred a conversation between respondent No.2/*de facto* complainant and the accused.

(c) The accused, with a dishonest intention, was alleged to have induced the respondent No.2/*de facto* complainant and had sexual intercourse with her by making false promise that both of them would lead a happy life and made her to believe his words on 19.03.2021; that the accused was alleged to have had sexual intercourse with the respondent No.2/*de facto* complainant on 20.03.2021, 22.03.2021, 24.03.2021, 26.03.2021, 08.04.2021 and 19.04.2021 by visiting the house of respondent No.2/*de facto* complainant; that the respondent No.2/*de facto* complainant, believing the version of accused, was alleged to have given a sum of Rs.3.00 lakhs to him, on various occasions for his domestic expenses. Later, the accused was alleged to have stopped visiting the house of respondent No.2/*de facto* complainant and kept her number in block list and evaded her; that when respondent No.2/*de facto* complainant questioned the accused, he was alleged to have threatened her with dire consequences. The case was reported to police on 02.07.2021 and a case in Crime No.133 of 201 of Disha Police Station, Vijayawada

city was registered against the accused for the offences punishable under Sections 417, 420, 406, 509 and 506 of IPC and investigated into. After completion of investigation, the Investigating Officer filed charge sheet. Hence, the Charge Sheet.

3. Learned counsel for the petitioner/accused would contend that even if the case of respondent No.2/*de facto* complainant is accepted, it does not constitute any offence` punishable under Section 417, 420, 406 of IPC, for the reason that there is no dishonest intention on the part of the petitioner/accused to cheat the respondent No.2/ *de facto* complainant. According to learned counsel, the petitioner/accused is a Civil Services aspirant and he has been staying in Hyderabad for the last several years and obtaining coaching for the said examination, and the respondent No.2/*de facto* complainant in order to settle the scores with the petitioner/accused, she made false allegations against the petitioner/accused and foisted the present case. Hence, it is prayed to quash the charge sheet.

4. Learned Special Assistant Public Prosecutor for the State representing the respondents would contend that there are specific accusations against the petitioner/accused that accused is having knowledge that the respondent No.2/*de facto* complainant is married woman, induced her with his magical words and had sexual

intercourse with her, and with a dishonest intention, he extracted monies to a tune of Rs.3.00 lakhs from respondent No.2/*de facto* complainant on various occasions, and subsequently evaded her without repaying the amount. Learned counsel would further contend that the dishonest intention of petitioner/accused to cheat the respondent No.2/*de facto* complainant is very much clear, and that there are specific overt acts to connect the petitioner/accused to the alleged offences. Hence, it is prayed to dismiss the Criminal Petition.

5. Heard learned counsel for the petitioner/accused, and learned Special Assistant Public Prosecutor for the respondents. Perused the material available on record.

6. There cannot be any dispute that inherent powers of this Court under Section 482 CrPC can be exercised to prevent abuse of process of Court or to give effect to any order under the Code or to secure the ends of justice. This Court is also conscious of the fact that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases and that the Court would not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the report. On this aspect, it is pertinent to refer to the judgment of the Hon'ble Apex court in ***State of Haryana v.***

***Ch.Bhajanlal and Ors.***[1]**,** wherein the Hon'ble Apex Court held as under:

> *"In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
>
> *(1) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;*
>
> *(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155 (2) of the Code;*
>
> *(3) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;*
>
> *(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no*

[1] AIR 1992 SC 604.

*investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code;*

*(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;*

*(6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;*

*(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."*

7. Section 417 of IPC prescribes punishment for cheating. Section 415 of IPC defines 'cheating'. The essential ingredients to attract the offence of cheating are –

(1) Deception of any person;

(2)(a) Fraudulently or dishonestly inducing that person-

(i) to deliver any property to any person; or

(ii) to consent that any person shall retain property; or

(b) Intentionally inducing that person to do or omit to do anything which he would not do or omit, if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property."

First part of the offence of cheating would relate to property and second limb of the provision would not relate to the property. That the person should intentionally induce the complainant to do or omit to do a thing. In the second part inducing must be intentional and a guilty intention is essential ingredient for the offence of cheating.

8. To attract the offence punishable under Section 420 of IPC, there should be dishonest intention to cheat the others right from the beginning. The word 'cheating' is defined under Section 415 of IPC, which is extracted as under:

> *"415. Cheating. – Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to 'cheat'."*

The essential ingredients to attract an offence punishable under Section 420 of IPC, which is an aggravated form of an offence are Section 417, are dishonest inducement to deliver property or to make, alter or destroy any valuable security or anything which is sealed or signed or is capable of being converted into a valuable security, and *mens rea* of the accused at the time of making inducement. The

Hon'ble Supreme Court in **Ram Narayan v. CBI**[2] held that *Section 420 of IPC deals with cheating and dishonestly inducing delivery of property. The offence of cheating is made of two ingredients; deception of any person and fraudulently or dishonestly inducing that person to deliver any property to any person or to consent that any person shall retain any property. To put it differently, the ingredients of the offence are that the person deceived delivers to someone a valuable security or property, that the person so deceived was induced to do so, that such person acted on such inducement in consequence of his having been deceived by the accused and that the accused acted fraudulently or dishonestly when so inducing the person. To constitute the offence of cheating, it is not necessary that the deception should be by express words, but it may be by conduct or implied in the nature of the transaction itself.*

9. The essential ingredients of Section 406 of IPC, which punishes Criminal Breach of Trust as defined in Section 405 of IPC are, there must be entrustment of property or dominion over property to the accused, and there must be misappropriation or conversion to one's own use, or use in violation of a legal direction or of any legal contract. The essential ingredients of the offence punishable under Section 506 of IPC are that the accused threatened someone with

[2] (2003) 3 SCC 641.

injury to his person, reputation or property, or to the person, reputation or property of another in whom the former was interested and the accused did so with intent to cause alarm to the victim of offence and to cause the victim to perform any act which he was not legally bound to do. Section 509 of IPC deals with word, gesture or act intended to insult the modesty of a woman. The essential ingredients of the offence punishable under Section 509 of IPC are, the accused uttered some words, or made some sounds or gesture or exhibited any object or intruded upon the privacy of a woman and thereby, intended to insult the modesty of the woman.

10. A perusal of the contents of the charge sheet, coupled with the report of the respondent No.2/*de facto* complainant and the statements of witnesses recorded under Section 161 of CrPC goes to show that it is the allegation of respondent No.2/*de facto* complainant that she received a message from an unknown number and it was alleged to have sent by the petitioner/accused, and there occurred a conversation between them and according to the version of respondent No.2/*de facto* complainant, the petitioner/accused, with his magical words, was alleged to have induced her that they would lead a happy life and had sexual intercourse with her on different dates, at the house of respondent No.2/*de facto* complainant.

11. As per the version of respondent No.2/*de facto* complainant, at first instance, when she received a message from the petitioner/accused on 14.03.2021, knowing his intention, she ended the conversation with the petitioner/accused. It is also the version of respondent No.2/*de facto* complainant that on the next day, when the petitioner/ accused sent an SMS to her, she gave a normal reply to him. It is the case of respondent No.2/*de facto* complainant that she blocked the petitioner/accused when he insisted her to come to his house. However, as per the contents of the report of respondent No.2/*de facto* complainant, on her request only, the petitioner/accused went to her house on 19.03.2021, but it was alleged that the petitioner/accused during his visit to her house at about 10.30 p.m. he was alleged to have had sexual intercourse with the respondent No.2/ *de facto* complainant, forcibly. According to respondent No.2/*de facto* complainant and as per the contents of the charge sheet, the said act of sexual intercourse between the petitioner/ accused and respondent No.2/*de facto* complainant was alleged to have continued on 20.03.2021, 22.03.2021, 24.03.2021, 26.03.2021, 08.04.2021 and 19.04.2021 at her house. A perusal of the contents of the report *prima facie* goes to show that the alleged incident was said to have taken place with the consent of respondent No.2/*de facto* complainant.

12. Indisputably, the respondent No.2/*de facto* complainant is a married woman, and her husband has been residing in Hyderabad due to his employment. Even the allegation against the petitioner/ accused that he induced the respondent No.2/*de facto* complainant with a promise that they would lead a happy life, generally it does not amount to criminal cheating under Section 420 of IPC, for the reason that the respondent No.2/*de facto* complainant consented the petitioner/accused to do the act, and such act is considered as a personal, consensual relationship, even if based on false promise of happy life. A perusal of the contention of the respondent No.2/*de facto* complainant goes to show that the petitioner/accused had sexual intercourse with her, forcibly, on 19.03.2021, and according to the contents of the charge sheet coupled with the report also goes to show that such sexual intercourse between them had been continued on 20.03.2021, 22.03.2021, 24.03.2021, 26.03.2021, 08.04.2021 and 19.04.2021 at the house of respondent No.2/*de facto* complainant. For one instance, it can be acceptable that the petitioner/accused had sexual intercourse without the consent of respondent No.2/*de facto* complainant, but continuing the said act subsequent thereto on the aforesaid dates, it can be inferred that the respondent No.2/*de facto* complainant consented the petitioner/accused. The respondent No.2/*de facto* complainant, being a married matured woman,

consented voluntarily, which made the petitioner/accused to visit her house on the aforesaid dates and had sexual intercourse with her and such act is generally considered as a consensual act rather than a criminal one, even if it is seen as immoral, and it is merely an act of immorality and reckless disregard of institution of marriage, not an act of inducement.

13. In **Kashinath Narayan Gharat v. State of Maharashtra**[3], the High Court of Bombay held as under: (paragraph No.9)

> *"In the instant case, the evidence on record indicates that the prosecutrix and the accused were known to each other. They had indulged in sexual relationship for a period of over three years. The evidence of P.W1-prosecutrix does not indicate that she had sexual relationship with the accused under misconception of fact, with regard to the promise of marriage or that her consent was based on fraudulent misrepresentation of marriage. There is no evidence on record to indicate that since the inception accused did not intend to marry her. In the absence of evidence to prove that the prosecutrix had consented for physical relationship on a misconception of fact, as stipulated under Section 90 of IPC, the mere refusal to marry would not constitute offence under Section 417 of IPC."*

14. Further, in **Pramod Suryabhan Pawar v. State of Maharashtra and another**[4], the Hon'ble Supreme Court held as under: (paragraph Nos.18 and 21)

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[3] Judgment dated 09.12.2021 in Criminal Appeal No.119 of 1999 passed by the High Court of Bombay.

[4] (2019) 9 SCC 608.

> *"To summarise the legal position that emerges from the above cases, the "consent" of a woman with respect to Section 375 must involve an active and reasoned deliberation towards the proposed act. To establish whether the "consent" was vitiated by a "misconception of fact" arising out of a promise to marry, two propositions must be established. The promise of marriage must have been a false promise, given in bad faith and with no intention of being adhered to at the time it was given. The false promise itself must be of immediate relevance, or bear a direct nexus to the woman's decision to engage in the sexual act.*
>
> *The allegations in the FIR do not on their face indicate that the promise by the appellant was false, or that the complainant engaged in sexual relations on the basis of this promise. There is no allegation in the FIR that when the appellant promised to marry the complainant, it was done in bad faith or with the intention to deceive her. The appellant's failure in 2016 to fulfil his promise made in 2008 cannot be construed to mean the promise itself was false. The allegations in the FIR indicate that the complainant was aware that there existed obstacles to marrying the appellant since 2008, and that she and the appellant continued to engage in sexual relations long after their getting married had become a disputed matter. Even thereafter, the complainant travelled to visit and reside with the appellant at his postings and allowed him to spend his weekends at her residence. The allegations in the FIR belie the case that she was deceived by the appellant's promise of marriage. Therefore, even if the facts set out in the complainant's statements are accepted in totality, no offence under Section 375 IPC has occurred."*

15. In the case on hand also, as per the version of respondent No.2/*de facto* complainant, the alleged incident was said to have taken place on 19.03.2021 when she was alone in her house and the petitioner/ accused was alleged to have went to house and with his magical words, had sexual intercourse with her on 19.03.2021, and

thereafter, on 20.03.2021, 22.03.2021, 24.03.2021, 26.03.2021, 08.04.2021 and 19.04.2021, it was alleged that the petitioner/accused repeatedly visited the house of respondent No.2/*de facto* complainant and had his sexual lust. Once the respondent No.2/*de facto* complainant had consistently allowed the petitioner/accused to visit her house to have sexual intercourse, the offences punishable under Section 417 and 420 of IPC would not attract as against the petitioner/ accused, as whenever the petitioner/accused was sending messages or visiting her house, the respondent No.2/*de facto* complainant was responding to the same without showing any inclination of disinterest.

16. In regard to the accusation made as against the petitioner/ accused that the respondent No.2/*de facto* complainant gave a sum of Rs.3.00 lakhs on various occasions for his domestic expenses, except omnibus and vague allegations, no specific date or mode of payment of amount was mentioned in her report. It is the not the case of respondent No.2/*de facto* complainant that she transferred the amount to the bank account of petitioner/accused. Furthermore, *prima facie* there is no specific overt act against the petitioner/accused to attract the provisions under Sections 506 and 509 of IPC. When such being the case, continuing the proceedings against the petitioner/accused is nothing but abuse of process of law. In the facts and circumstances of the case, this Court is of the opinion that the allegations made in the

FIR, even if they are taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out a case against the petitioner/accused, and on that ground alone, this Court is inclined to quash the *impugned* proceedings.

17. Accordingly, the Criminal Petition is allowed and the proceedings in Calendar Case No.3585 of 2022 pending on the file of the learned II Additional Chief Metropolitan Magistrate, Vijayawada, against the petitioner/accused, are quashed.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

**JUSTICE K. SREENIVASA REDDY**

17th June, 2026.

DNB