

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

CRIMINAL PETITION No.8289 OF 2021

BETWEEN

Neha Singh

... Petitioner/Accused No.2

And

The State of Telangana
rep. by its Public Prosecutor & another

... Respondents

Date of pronouncement of order: **03.02.2026**

SUBMITTED FOR APPROVAL:-

THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

1. Whether Reporters of Local newspapers may be allowed to see the Judgment? (Yes/No)
2. Whether the copies of judgment may be marked to Law Reports/Journals? (Yes/No)
3. Whether her Ladyship wish to see the fair copy of the Judgment? (Yes/No)

JUSTICE TIRUMALA DEVI EADA

* **THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA**

+ **CRIMINAL PETITION No.8289 OF 2021**

% Dated 03.02.2026

Neha Singh

... Petitioner/Accused No.2

\$ The State of Telangana
rep. by its Public Prosecutor & another

... Respondents

! Counsel for Petitioner: Sri Kopal Sharraf (counsel on record)
Sri Pradyuman Kaistha (Arguing counsel)

^ Counsel for Respondent No.1 :Sri Jitender Rao Veeramalla

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? Cases referred

1. 2024 SCC Online SC 3853

2. 2025 SCC Online Guj 1532

3. (2015) 7 SCC 423

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.8289 of 2021

DATE OF ORDER: 03.02.2026

Between:

Neha Singh

...Petitioner/Accused No.2

AND

The State of Telangana,
rep. by its Public Prosecutor and another

...Respondents

ORDER

1. This Criminal Petition is filed under Section 482 of The Code of Criminal Procedure (for short, 'Cr.P.C) seeking to quash the proceedings against the petitioner/accused No.2 in C.C.No.6343 of 2021, on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 498A, 354D, 427 and 506 of IPC.

2. Heard Sri Pradyuman Kaistha, learned counsel who argued on behalf of Sri J.Sridhar, learned counsel on record for the petitioner/accused No.2 as well as Sri Jitender Rao Veeramalla, the

learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. The case of prosecution is that the petitioner is a girl friend of the accused No.1 and that she along with accused No.1 harassed the defacto complainant for want of additional dowry, committed stalking by fixing an electronic device in her car and threatened her.

4. Learned petitioner's counsel submits that accused No.1 is the husband of the *de facto* complainant and that the petitioner herein is alleged to be a girl friend of accused No.1. He further submitted that the only allegation against the petitioner herein is that she along with accused No.1 has harassed the *de facto* complainant for obtaining mutual consent divorce between accused No.1 and the *de facto* complainant. He further submitted that there is no material to attract the ingredients of the offences alleged against the petitioner herein. Even as per the statement of LW1/defacto complainant, there are no specific allegations against the petitioner. The offence under Section 498-A does not get attracted against the petitioner as she is no way related either to the accused No.1 or the *de facto* complainant. He further submitted that the allegations for the offence under Section 354-D also does not get attracted against accused No.2, who is a lady. Further, the ingredients do not point out any offences under

Sections 427 or 506 of IPC. In support of his contentions, learned counsel has relied upon the decisions of the Apex Court in **Dechamma I.M. alias Dechamma Koushik Vs. State of Karnataka and another**¹ and **xxx vs. State of Gujarat and another**². He therefore prayed to quash the proceedings against the petitioner.

5. The learned Additional Public Prosecutor has submitted that the law is well settled with regard to the applicability of Section 498-A to a girl friend or a concubine. He also submitted that the allegation under Section 506 IPC may get attracted against the petitioner herein as the allegations *prima facie* point out the said offence. He therefore prayed to pass appropriate orders.

6. Perused the record. The contents of the complaint and the recitals of charge sheet point out that the petitioner and accused No.1 have harassed the *de facto* complainant for want of mutual consent divorce. But for that, there is no other allegation against the petitioner herein. It is stated by LW1/defacto complainant that a GPS device has been fixed in her car by her husband/accused No.1 and that she got it removed by approaching a mechanic. The recitals of charge sheet do not point out anything more than the statement of LW1. Thus, in the circumstances, there are no

¹ 2024 SCC Online SC 3853

² 2025 SCC Online Guj 1532

allegations against the petitioner to attract the offences under Sections 498A, 354-D, 427 and 506 of IPC. In this regard, it is relevant to extract Sections 498-A, 354-D, 427 and 506 of IPC as under:-

“Section 498A IPC:- Husband or relative of husband of a woman subjecting her to cruelty:- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Section 354D IPC:- Stalking:—(1) Any man who-

(i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or

(ii) monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that—

(i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or

(ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or

(iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a

second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Section 427 IPC:- *Mischief causing damage to the amount of fifty rupees—Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.*

Section 506 IPC:- *(Punishment for criminal intimidation):—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;*

If threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or [imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”

7. With regard to the offence under Section 498A IPC, the petitioner cannot be construed to be a relative of accused No.1 as per the law laid down by the Apex Court in the case of Dechamma (cited supra) vide Para 18 of its judgment which reads as under:-

“By no stretch of imagination would a girlfriend or even a concubine in an etymological sense be a “relative”. The word “relative” brings within its purview a status. Such a status must be conferred either by blood or marriage or adoption. If no marriage has taken place, the question of one being relative of another would not arise.”

8. The petitioner being a woman cannot be alleged to have committed the offence under Section 354D IPC as the very provision itself envisages that “any man” who commits the alleged acts described under the section is made punishable.

9. To attract the offence under Section 427 IPC, the allegations have to be specific and there should be some positive material on record to point out the said act of mischief by the petitioner as against the *de facto* complainant. In this case, the allegations are vague and do not point out anything specific to attract the ingredients of Section 427 IPC.

10. As far as the allegations of the offence under Section 506 IPC is concerned, in view of the law laid down by the Apex Court in ***Manik Taneja Vs.State of Karnataka***³ case, there must be an act of threatening to another person of causing an injury to the person, reputation, or property of the person threatened or to the person in which the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which is not legally bound to do or omit to do an act which he is legally entitled to do. In the present case, when the ingredients of the complaint are looked into, no such incidents of

³ (2015) 7 SCC 423

causing alarm to the defacto complainant are made out. Hence, the said Section of law do not get attracted against the petitioner.

11. Thus, in the facts and circumstances of the case. None of the allegations make out a *prima facie* case against the petitioner herein to attract the offences under Sections 498A, 354-D, 427 and 506 of IPC. Hence, continuation of proceedings against the petitioner would be an abuse of process of law.

12. Hence, the Criminal Petition is allowed and the proceedings against the petitioner/accused No.2 in C.C.No.6343 of 2021, on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad, are hereby quashed.

13. Pending miscellaneous applications, if any, shall stand closed.

JUSTICE TIRUMALA DEVI EADA

Date:03.02.2026

Note:LR copy to be marked
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THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.8289 of 2021

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