

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.16468 of 2014

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/Accused in Crime No.257 of 2014 of Bhainsa Police Station, Adilabad District, registered for the offence under Sections 498-A and 323 read with 34 IPC.

Heard the learned counsel for the petitioners and the learned Public Prosecutor.

A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioners herein subjected the second respondent to cruelty for additional dowry. It is further alleged that the petitioners herein beat the second respondent.

While deciding the petition under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint at the initial stage of the investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v.**

Bhajanlal^[2], I am of the view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar and another^[3]**, the Station House Officer, Bhainsa Police Station, Adilabad District, is hereby directed to follow the procedure contemplated under Section 41-A Cr.P.C. in Crime No.257 of 2014.

With the above direction, the Criminal Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J
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31.12.2014

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] 2014 (8) SCALE 250