THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13433 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.2 to A.5 in Crime No.73 of 2015 on the file of the Station House Officer, Penagalur Police Station, Y.S.R. Kadapa District, registered for the offences under Section 498-A read with 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are accused Nos.2 to 5 and the second respondent is the *de facto* complainant in Crime No.73 of 2015.

4. As per the allegations made in the complaint, the parents of the second respondent gave an amount of Rs.1,50,000/- to accused No.1 at the time of marriage towards dowry. It is further alleged that the petitioners have subjected the second respondent to cruelty for additional dowry.

5. While exercising the inherent power 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 as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of 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.

6. 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 considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. 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.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Penagalur Police Station, Y.S.R. Kadapa District, not to arrest the petitioners/A.2 to A.5 in Crime No.73 of 2015 till completion of the investigation.

9. With the above direction, the Criminal Petition is dismissed.

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

T.SUNIL CHOWDARY, J

Date: 16.12.2015
lvd

---

[1] AIR 1960 SC 866
[2] AIR 1992 SC 604