

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.11735 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings in Cr.No.158 of 2015 of IV Town Police Station, Nizamabad against the petitioners herein registered for the offence punishable under Section 417 and 506 IPC.

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

3 A perusal of the record reveals that the petitioners are A.1 to A.3 and the second respondent is the de-facto complainant in Cr.No.158 of 2015 on the file of IV Town Police Station, Nizamabad. As per the allegations made in the complaint, A.1 performed the marriage of his daughter N.Harini with the 2nd respondent on 25.1.2015. It is further alleged that the A.1 to A.3 performed the marriage without disclosing that daughter of the petitioner no.1 is suffering with neuro psychiatric problem.

4 The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioners. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint.

5 Having regard to the facts and circumstances of the case on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab, State of Haryana v. Bhajan Lal, V.Y.Jose v State of Gurajat** and **Teeja Devi v State of Rajasthan**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

6 The learned counsel for the petitioner submitted that the Station House Officer, IV Town Police Station, Nizamabad may be directed not to arrest the petitioners pending investigation in the crime.

7 Taking into consideration the nature of allegations made in the complaint and in view of the principle laid down by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**, the Station House Officer, IV Town Police Station, Nizamabad is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.158 of 2015 so far as the petitioners herein are concerned.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

kk/Date: 13th November, 2015

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13-11-2015