

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8566 of 2015

ORDER:

This petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioners/A2 to A5 in Crime No.128 of 2015 of Gooty Police Station, Ananthapur District, registered for the offences under Sections 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

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.128 of 2015. As per the allegations made in the complaint, the petitioners herein along with accused No.1 subjected the second respondent to cruelty for additional dowry. The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute the offence alleged. 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 shall not embark upon an enquiry as to ascertain the truthfulness or otherwise of the allegations made in the complaint at the initial stage of investigation. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

Having regard to the facts and circumstances of the case and also the principle enunciated in ***R.P.Kapoor v. State of Punjab and State of Haryana v. Bhajanlal***, I am of the considered view that this is not a fit case to quash the criminal proceedings at this point of time.

Learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of investigation. In view of the principle enunciated by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***, the Station House Officer, Gooty Police Station, Ananthapur District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C., in Crime No.128 of 2015 so far as the petitioners/ A2 to A5 are concerned.

With the above direction, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

30th September 2015.

Rns