

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5883 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/accused Nos.2 to 4 in Cr.No.339 of 2013 on the file of Narsingi Police Station, Cyberabad, registered for the offences punishable under Section 498-A of IPC.

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

3 A perusal of the record reveals that the petitioners are accused Nos.2 to 4 and the 2nd respondent is the de-facto complainant in Cr.No.339 of 2013. As per the allegations made in the complaint, the petitioners subjected the 2nd respondent to cruelty for additional dowry.

4 The contention of the learned counsel for the petitioners is that the third petitioner herein who is accused No.4 is permanent resident of U.S.A. He further submitted that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioners.

5 Whether the petitioners have subjected the 2nd respondent to cruelty for additional dowry or not will come to light during the course of investigation only. 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. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

6 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.

7 The learned counsel for the petitioners submitted that the petitioner Nos.1 and 2 herein have already obtained regular bail. He further submitted that the Station House Officer, Narsingi Police Station may be directed not to arrest the petitioner No.3 / Accused No.4 pending investigation.

8 On 06.07.2015 this Court granted interim stay of arrest of the petitioner/A.4 in Cr.No.120 of 2015 on the file of Narsingi Police Station. In that view of the matter, the Station House Officer, Narsingi Police Station, is hereby directed not to arrest the petitioner No.3 who is accused No.4 in Cr.No.339 of 2013 till completion of investigation.

9 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

Date: 25th November, 2015

Kvsn