

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10394 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 5 in Cr.No.444 of 2015 on the file of Dudigal Police Station, Ranga Reddy district, registered for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

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 accused Nos.2 to 5 and the 2nd respondent is the de-facto complainant in Cr.No.444 of 2015. As per the allegations made in the complaint, the petitioners along with the 1st accused in the case subjected the 2nd respondent to cruelty for additional dowry. It is further alleged that at the time of marriage, the parents of the 2nd respondent gave cash of Rs.2.00 lakhs and five tulas of gold towards dowry to the first accused in the case.

4 The contention of the learned counsel for the petitioners 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. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

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 petitioners submitted that the Station House Officer, Dudigal Police Station may be directed not to arrest the petitioners pending

investigation in the crime.

7 On 12.10.2015 this Court granted interim stay of arrest of the petitioners in Cr.No.444 of 2015 on the file of Dudigal Police Station and the same has been in force till today. In that view of the matter, the Station House Officer, Dudigal Police Station, Ranga Reddy district is hereby directed not to arrest the petitioners who are accused Nos.2 to 5 in Cr.No.444 of 2015 till completion of investigation.

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

Date: 24th November, 2015

Kvsn