

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3066 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners who are accused Nos.2 to 7 in Cr.No.11 of 2015 on the file of Kollapur Police Station, Mahaboobnagar District registered for the offence punishable under Sections 498-A r/w 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

3 As per the allegations made in the complaint, the petitioners herein subjected the second respondent to cruelty for additional dowry.

4 While deciding the petition filed 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 the enquiry to ascertain the truthfulness or otherwise 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 against the petitioners.

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*** and ***State of Haryana v. Bhajan Lal***, I am of the 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, Kollapur Police Station, Mahaboobnagar District, may be directed not to arrest the petitioners pending investigation in the crime.

7 In view of the ratio laid down by the apex Court in ***Arnesh Kumar v State of Bihar***, the Station House Officer, Kollapur Police Station, Mahaboobnagar District is hereby directed to follow the procedure contemplated under Section 41 A of Cr.P.C. in Cr.No.11 of 2015 so far as the petitioners/A2 to A7 are concerned.

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

T. SUNIL CHOWDARY, J.

Date: 06.04.2015.

Kvsn