

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10725 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/accused Nos.1 to 3 in Cr.No.120 of 2015 on the file of Bommaramaram Police Station, Nalgonda district, registered for the offences punishable under Sections 498-A and 494 of 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 accused Nos.1 to 3 and the 2nd respondent is the de-facto complainant in Cr.No.120 of 2015. As per the allegations made in the complaint, the petitioners subjected the 2nd respondent to cruelty for additional dowry. It is further alleged that the first petitioner married another lady without the knowledge of the 2nd respondent.

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, Bommaramaram Police Station may be directed not to arrest the petitioners pending investigation in the crime.

7 On 13.10.2015 this Court granted interim stay of arrest of the petitioners in Cr.No.120 of 2015 on the file of Bommalararam Police Station and the same has been in force till today. In that view of the matter, the Station House Officer, Bommalararam Police Station, Nalgonda district is hereby directed not to arrest the petitioners who are accused Nos.1 to 3 in Cr.No.120 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