

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION No.2678 of 2015

ORDER:-

This Criminal Petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioners/A1 to A5 in Crime No.664 of 2014 of Kukatpally Police Station, Cyberabad district for the offences punishable under Section 498-A of I.P.C., and Sections 3 and 4 of Dowry Prohibition Act.

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

3. Learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioners herein and there are no specific allegations against the petitioners herein. He further submitted that the petitioners are innocent and they never harassed the de-facto complainant. Therefore, he prayed the Court to quash the proceedings in Crime No.664 of 2014 of Kukatpally Police Station.

4. Learned Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged. He further submitted that the investigation is not yet completed and prayed the Court to dismissed the petition.

5. The petitioners herein are A1 to A5 and the second respondent herein is the de-facto complainant in Crime No.664 of 2014. A perusal of the record reveals that the marriage between the second respondent and A1 was solemnized on 19-05-2013 and at the time of marriage the parents of the second respondent gave Rs.8,55,000/-, which inclusive of house hold articles and gold worth Rs.1,00,000/- towards dowry. The petitioners herein looked after the second respondent properly for about 15 days and thereafter they started harassing her to bring additional dowry. The second respondent alleged that the petitioners

herein was not provided proper food to her and harassed her physically and mentally.

6. Whether the petitioners herein harassed the second respondent for additional dowry or not, involves complexity of disputed questions of fact, which cannot be gone into while exercising the inherent jurisdiction under Section 482 of Cr.P.C. While deciding this type of petitions the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint. It is settled principle of law that the Court shall not stifle the legitimate investigation more particularly at the initial stage of investigation. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain truthfulness or otherwise of the allegations made in the complaint.

7. Having regard to the facts and circumstances of the case and also the principles enunciated by the Hon'ble Supreme Court in **R.P. Kapoor v State of Punjab** and **State of Haryana v. Bhajanlal**, I am of the view that it is not a fit case to quash the proceedings at the threshold.

8. Learned counsel for the petitioners submitted that the Station House Officer, Kukatpally Police Station may be directed not to arrest the petitioners/A1 to A5 till completion of investigation.

9. In view of the facts and circumstances of the case, the Station House Officer, Kukatpally Police Station is hereby directed not to arrest the petitioner/A1 to A5 in Crime No.664 of 2014 till completion of investigation or filing of report.

10. With the above directions, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

April 06, 2015

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