

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13339 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioners/A1 to A3 in Crime No.162 of 2015 on the file of the Station House Officer, Women Police Station, Visakhapatnam registered for the offences punishable under Sections 498A IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

3. A perusal of the record reveals that the petitioners are A1 to A3 and the second respondent is *de facto* complainant in Crime No.162 of 2015. As per the allegations made in the complaint, the parents of the second respondent gave an amount of Rs.10,00,000/- to the first petitioner/A1 towards dowry. It is further alleged that the petitioners subjected the second respondent to cruelty for additional dowry. It is also alleged that the petitioners abused the second respondent in filthy language. A perusal of the record reveals that, the first petitioner herein filed M.O.P. No.15 of 2015 on the file of the Family Court-cum-III Additional District Court, Srikakulam against the second respondent herein for restitution of conjugal rights. Whether the petitioners subjected the second respondent to cruelty or not will come to light during the course of investigation.

4. While exercising the inherent power 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 an enquiry as to probability, reliability or genuineness 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 in order to ascertain the truthfulness or otherwise of the allegations made

in the complaint.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose V State of Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. Taking into consideration, the nature of the allegations made in the complaint, the Station House Officer, Women Police Station, Visakhapatnam is hereby directed not to arrest the petitioners/A1 to A3 till completion of the investigation in Crime No.162 of 2015.

7. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

December 15, 2015.
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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)