

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.899 of 2014

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioners/A1 to A4 in Crime No.1082 of 2013 on the file of the Station House Officer, Satyanarayanapuram Police Station, Vijayawada City, registered for the offence punishable under Section 498A IPC.

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

3. The petitioners are A1 to A4 respectively and second respondent is *de facto* complainant in Crime No.1082 of 2013. The petition against petitioner No.1/A1 is dismissed on 03.2.2014 as withdrawn. The learned counsel for the petitioners seeks permission of the court to permit the petitioner No.4/A4 to withdraw the criminal petition. Permission is granted. Now, the criminal petition remains against petitioner Nos.2 and 3/A2 and A3 only.

4. The marriage of second respondent was performed with petitioner No.1/A1 on 07.2.2007 at Badvel as per Hindu rites and caste customs. Out of lawful wedlock, they were blessed with a son. As per the allegations made in the complaint, the petitioners subjected the second respondent to cruelty for additional dowry. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. 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 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 petitioner Nos.2 and 3. Having regard to the facts and circumstances of the case, the Station House Officer, Satyanarayanapuram Police Station, Vijayawada City is hereby directed not to arrest the petitioner Nos.2 and 3/A2 and A3 till completion of the investigation in Crime No.1082 of 2013.

7. With the above direction, criminal petition against petitioner Nos.2 and 3/A2 and A3 is dismissed. The criminal petition petitioner Nos.1 and 4/A1 and A4 is dismissed as withdrawn. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

December 22, 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)