

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13075 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A1, A3 and A4 in Crime No.318 of 2015 on the file of the Station House Officer, Chandanagar Police Station, Cyberabad registered for the offences punishable under Sections 498A and 494 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. The petitioners are A1, A3 and A4 and second respondent is *de facto* complainant in Crime No.318 of 2015. As per the allegations made in the complaint, at the time of the marriage, the parents of the second respondent gave Rs.4,00,000/- to A1 towards dowry. It is further alleged that petitioner No.1/A1 married another lady during the subsistence of his valid marriage with the second respondent. It is the case of the prosecution that the petitioners subjected the second respondent to cruelty for additional dowry. Whether the petitioners committed the alleged offences 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, 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 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/A1, A3 and A4 during the pendency of the investigation. Taking into consideration the nature of

the allegations made in the complaint and also the principle enunciated in **Arnesh Kumar v State of Bihar**, the Station House Officer, Chandanagar Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.318 of 2015 so far as the petitioners/A1, A3 and A4 are concerned.

7. With the above direction, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

December 08, 2015.

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