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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Criminal Petition No.8388 of 2015

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in FIR No.301 of 2015 on the file of PS, WPS,DD, Hyderabad, registered for the offences punishable under Sections 498-A, 406 IPC and Sections 4 and 6 of Dowry Prohibition Act, against the petitioners.

2. Facts stated are:-2nd respondent-defacto complainant filed a complaint against the petitioners-accused alleging that her husband-1st petitioner-A1 and other petitioners-A-2 to A-4 used to harass her both mentally and physically and tortured her a lot for want of additional dowry.

3. Learned counsel for the petitioners stated that the allegations made in the FIR do not constitute any offence as there are no specific overtacts and there was no *mala-fide* intention on the part of the petitioners to harass the complainant and, as such, the FIR being bereft of any specific overtacts, it is liable to be quashed. On the other hand, learned Public Prosecutor appearing for the respondent-State stated that inasmuch as there are serious allegations made against the petitioners, the FIR cannot be quashed.

4. A perusal of the contents of the FIR goes to show that allegations made against the petitioners are serious in nature. The truth or otherwise of those allegations can be culled out only after filing charge sheet and regular trial. Inasmuch as, *prima facie*, case is made out, it is not a fit case to quash the proceedings against the petitioners at this stage. However, the concerned Police are directed to satisfy themselves about the necessity to arrest the petitioners keeping in mind the parameters flowing from Section 41 and 41-A CrPC and also the principles enunciated and directions given by the Supreme Court in ARNESH KUMAR vs. STATE OF BIHAR (2014 (8) SCC 273).

5. With the above directions, the criminal petition is disposed of. Miscellaneous petitions, if any, pending in this case shall stand disposed of.

A.RAJASHEKER REDDY, J

Dated: 30.09.2015

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