

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12182 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner/accused in Crime No.201 of 2015 of Women Police Station, Charminar, Hydeabad registered for the offences punishable under Sections 498A, 406, 506 read with 34 IPC and Sections 4 and 6 of Dowry Prohibition Act.

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

3. The petitioner is sole accused and second respondent is *de facto* complainant in Crime No.201 of 2015. As per the allegations made in the complaint, the petitioner subjected the second respondent to cruelty for additional dowry. It is further alleged that the parents of the second respondent paid an amount of Rs.2,00,000/- to the petitioner towards dowry at the time of the marriage. The contention of the learned counsel for the petitioner is that the complaint is time barred. Whether the petitioner subjected the second respondent to cruelty for additional dowry or not and whether the complaint is time barred or within the period of limitation will come to light during the course of investigation.

4. It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent power under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioner, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

5. I have carefully perused the allegations made in the complaint in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

6. 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.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner/accused 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, Women Police Station, Charminar, Hyderabad, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.201 of 2015 so far as the petitioner/accused is concerned.

8. 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

November 23, 2015.

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