

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.11126 of 2015

ORDER:

_____ This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.5 in Crime No.118 of 2015 of Women Police Station, Visakhapatnam registered for the offences under Sections 498-A and 420 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. _____ Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. _____ A perusal of the record reveals that the petitioner is accused No.5 and the third respondent is the *de facto* complainant in Crime No.118 of 2015.

4. _____ As per the allegations made in the complaint, accused Nos.1 to 4 have subjected the third respondent to cruelty for additional dowry. It is further alleged that the petitioner herein has obtained the signatures of the third respondent on several papers and cheated her. It is also alleged that the petitioner, in connivance with the other accused, has created a partnership deed with an evil motive to cause financial loss to the third respondent.

5. _____ 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.

6. _____ Having regard to the facts and circumstances of the case and

also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2]. I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

8. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**^[3], the Station House Officer, Women Police Station, Visakhapatnam is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.118 of 2015 so far as the petitioner/A.5 is concerned.

9. With the above direction, the Criminal Petition is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

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Date: 06.11.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] 2014 (8) SCALE 250