

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10664 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners in Cr.No.141 of 2015 on the file of Mannur Police Station, YSR Kadapa District, registered for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

3 The petitioners are accused Nos.1 to 5 and the second respondent is the de-facto complainant in Cr.No.141 of 2015 on the file of Mannur Police Station, YSR Kadapa District. As per the allegations made in the complaint, the petitioners have harassed and subjected the second respondent to cruelty for additional dowry. It is further alleged that the petitioners have appropriated the dowry money given by the parents of the second respondent.

4 The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. 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 on hand and also the principle laid down 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 proceedings at this stage.

6 The learned counsel for the petitioners submitted that the Station House Officer, Mannur Police Station may be directed not to arrest the petitioners pending investigation in the crime.

7 Taking into consideration the nature of allegations made in the complaint and in view of the principle laid down by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**^[5], the Station House Officer, Mannur Police Station is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.141 of 2015 so far as the petitioners/A.1 to A.5 are concerned.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 3rd November, 2015

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)

^[5] 2014(8) SCALE 250