

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3359 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.3 in Crime No.13 of 2015 of Mandasa Police Station, Srikakulam District, registered for the offence under Section 498-A I.P.C.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. A perusal of the record reveals that the petitioners are A.1 to A.3 and the 2nd respondent is the *de facto* complainant in Crime No.13 of 2015.

4. As per the allegations made in the complaint, the petitioners herein subjected the 2nd respondent to cruelty for additional dowry.

5. Learned counsel for the petitioner submitted that the 2nd respondent is not the legally wedded wife of the 1st petitioner.

6. While deciding the petition 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.

7. 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** and **State of Haryana v. Bhajanlal**, I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

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

9. Petitioners 2 and 3 are parents-in-law of the 2nd respondent. Taking into consideration the nature of allegations made against petitioners 2 and 3 and also in view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Mandasa Police Station, Srikakulam, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.13 of 2015 so far as the petitioners 2 and 3/A.2 and A.3 are concerned.

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

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

T.SUNIL CHOWDARY, J

Date: 24.04.2015

Prv

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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CRIMINAL PETITION No.3395 of 2015

Date 24-04-2015

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