

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9341 of 2015

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 7 in Crime No.2 of 2015 of Nizampatnam Police Station, Guntur District, registered for the offence punishable under Section 417 IPC and Section 3 of Dowry Prohibition Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State. Inspite of service of notice, none appeared on behalf of the first respondent.

A perusal of the record reveals that the petitioners are accused Nos.1 to 7 and the first respondent is the *de facto* complainant in Crime No.2 of 2015. As per the allegations made in the complaint, the betrothal ceremony of the first respondent's daughter was performed with accused No.1 on 12.09.2012. The first respondent gave an amount of Rs.1,00,000/- to accused No.1. The petitioners herein promised to perform the marriage of the daughter of first respondent with A1. The petitioners for one reason or other are postponing the marriage of A1 with the daughter of first respondent with an ulterior motive. The gist of the complaint is that the petitioners herein have cheated the first respondent and his daughter.

Learned counsel for the petitioners submitted that Anjuman Committee called both parties and cancelled the proposal of marriage of A1 with the daughter of first respondent on 15.02.2014. Whether the petitioners committed the alleged offence or not will come to light during the course of investigation.

It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction 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 the offence much less the offence alleged to have been committed by the petitioners, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

I have carefully perused the material available on record 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.

Having regard to the facts and circumstances of the case and also the principle enunciated 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 criminal proceedings at the threshold.

The learned counsel for the petitioners submitted that the

concerned Station House Officer may be directed not to arrest the petitioners till completion of investigation.

Taking into consideration the facts and circumstances of the case and also the interim orders passed by this Court on 18.09.2015, the Station House Officer, Nizampatnam Police Station, Guntur District, is hereby directed not to arrest the petitioners/accused Nos.1 to 7 in Crime No.2 of 2015 till completion of investigation.

With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date:17.12.2015

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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)