

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.12442 of 2015**

**ORDER:**

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.5 in Crime No.623 of 2015 of Women Police Station, DD, Hyderabad registered for the offences under Sections 498-A, 506 and 406 I.P.C., and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 5 and the second respondent is the *de facto* complainant in Crime No.623 of 2015. The first petitioner is the husband of the second respondent.

4. As per the allegations made in the complaint, the petitioners have subjected the second respondent to cruelty for additional dowry. It is further alleged that the petitioners have misappropriated the money of the second respondent.

5. Learned counsel for the petitioners submitted that the first petitioner and the second respondent have obtained a divorce decree on 20.10.2015 in CL.No.87886 on the file of the Circuit Court for Loudoun County, Virginia.

6. The second respondent lodged a complaint to the police prior to passing of orders in the divorce petition. Whether the petitioners have subjected the second respondent to cruelty or not will come to light during the course of investigation. The fact remains that the first petitioner and the second respondent are staying in U.S.A.

7. 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.

8. 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.

9. 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.

10. Taking into consideration the facts and circumstances of the case, the Station House Officer, Women Police Station, DD, Hyderabad is hereby directed not to arrest the petitioners/A.1 to A.5 in Crime No.623 of 2015 till completion of the investigation.

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

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

---

**T.SUNIL CHOWDARY, J**

Date: 26.11.2015

lvd