

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7333 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.2 to A.6 in Crime No.131 of 2015 on the file of the Station House Officer, Armoor Police Station, Nizamabad District, registered for the offences under Section 498-A I.P.C. and Section 4 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.2 to 6 and the first respondent is the *de facto* complainant in Crime No.131 of 2015. It further reveals that the marriage of the first respondent was performed with accused No.1 on 13.02.2013 as per Hindu Rites and Caste Custom.

4. As per the allegations made in the complaint, at the time of marriage, the parents of the first respondent gave Rs.5,00,000/- net cash and 10 tulas of gold to accused No.1 towards dowry. It is further alleged that the petitioners have subjected the first respondent to cruelty for additional dowry.

5. Whether the petitioners have demanded the additional dowry from the first respondent or not will come to light during the course of investigation. 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. A perusal of the record reveals that this Court granted interim stay of arrest of the petitioners on 19.08.2015.

8. Taking into consideration the facts and circumstances of the case and also the interim order of this Court dated 19.08.2015, the Station House Officer, Armour Police Station, Nizamabad District, is hereby directed not to arrest the petitioners/A.2 to A.6 in Crime No.131 of 2015 till completion of the investigation.

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

Date: 29.12.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604