

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.11824 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/A.1 to A.3 in Cr.No.68 of 2015 on the file of Mangalagiri Town Police Station, Guntur Urban, registered for the offences punishable under Sections 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

3 A perusal of the record reveals that the petitioners are A.1 to A.3 and the second respondent is the de-facto complainant in Cr.No.68 of 2015. As per the allegations made in the complaint, the marriage of the 2nd respondent was officiated with the first petitioner on 12.05.2014 as per Christian rites and caste custom. As per the allegations made in the complaint, at the time of marriage, the parents of the 2nd respondent gave Rs.2.00 lakhs to the first petitioner towards dowry. It is further alleged that the petitioners herein have harassed the 2nd respondent physically and mentally for additional dowry.

4 The contention of the learned counsel for the petitioners is that by the time of marriage, the first petitioner was aged about 16 years and hence the marriage between the first petitioner and the 2nd respondent is not a valid one. He further submitted that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. 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 Court is not justified in embarking upon an enquiry

to ascertain the truthfulness or otherwise of 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, Mangalagiri Town Police Station, Guntur Urban may be directed not to arrest the petitioners pending investigation in the crime.

7 Having regard to the facts and circumstances of the case and in view of the submissions made by the learned counsel for the petitioners, the Station House Officer, Mangalagiri Town Police Station, Guntur Urban, is hereby directed not to arrest the petitioners in Cr.No.68 of 2015 till completion of investigation.

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: 17th December, 2015

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

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