

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8524 of 2015

ORDER:

This petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioners/A1 to A3 in Crime No.117 of 2015 of Warangal Urban Women Police Station, registered for the offences under Sections 498-A and 406 IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

A perusal of the record reveals that petitioner No.1 is the husband, petitioner No.2 is the mother-in-law and petitioner No.3 is the brother-in-law of the *de facto* complainant in Crime No.117 of 2015. As per the allegations made in the complaint, the petitioners subjected the second respondent to cruelty for additional dowry. The court has to take into consideration the allegations made in the complaint only while deciding the petition under Section 482 Cr.P.C. The court is not justified in embarking upon an enquiry to ascertain reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed 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 and State of Haryana v. Bhajanlal***, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

Learned counsel for the petitioners submitted that the concerned Police

may be directed not to arrest the petitioners till completion of investigation. In view of the principle enunciated by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***, the Station House Officer, Women Police Station, Warangal Urban, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C., in Crime No.117 of 2015 so far as the petitioners/ A1 to A3 are concerned.

With the above direction, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

28th September 2015.

Rns