

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8520 of 2015

ORDER:

This petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioner Nos.1 to 4/accused Nos.1 to 4 in Crime No.71 of 2014 of Kankipadu Police Station, Vijayawada City registered for the offences under Section 498A IPC.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and the second respondent is the *de facto* complainant in Crime No.71 of 2014. As per the allegations made in the complaint, the petitioners subjected the second respondent to cruelty for additional dowry. As per the recitals in the petition, petitioner No.1/accused No.1 was released on bail on 12.3.2014.

4. 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.

5. 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 Bhajan Lal**, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

6. Learned counsel for the petitioners submitted that the concerned Police may be directed not to arrest the petitioner Nos.2 to 4/accused Nos.2 to 4 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, Kankipadu P.S., is hereby directed to follow the procedure contemplated under Section 41A Cr.P.C., in Crime No.71 of 2014 so far as petitioner Nos.2 to 4/accused Nos.2 to 4 are

concerned.

7. 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

Date: 28.9.2015.

NOTE:

Dispatch order copy by 30.9.2015.

(By order)

YS