

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.165 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/Accused Nos.1 to 5 in Cr.No.757 of 2015 on the file of Neredumet Police Station, Cyberabad registered for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

3 The petitioners are accused Nos.1 to 5 and the second respondent is the de-facto complainant in Cr.No.757 of 2015 on the file of Neredumet Police Station, Cyberabad. The marriage of the 2nd respondent was performed with the first Petitioner on 11.08.2012 as per Hindu rites and caste custom. As per the allegations made in the complaint, the parents of the second respondent gave an amount of Rs.3.5 lakhs cash and 10 tulas of gold to the accused No.1 at the time of marriage towards dowry. It is further alleged that the petitioners herein have subjected the second respondent to cruelty for additional dowry. A perusal of the record reveals that the petitioners herein have filed W.P.No.32434 of 2015 on the file of this Court. A perusal of the record also reveals that the first petitioner herein has filed HMOP No.1571 of 2015 on the file of Family Court, Ranga Reddy at L.B. Nagar against the 2nd respondent for restitution of conjugal rights.

4 The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed

by the petitioners.

5 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.

6 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.

7 The learned counsel for the petitioners submitted that the Station House Officer, Neredumet Police Station, Cyberabad, may be directed not to arrest the petitioners pending investigation in the crime.

8 All the petitioners are close relatives of the 2nd respondent. There is no dispute with regard to the identity of the petitioners. Taking into consideration the nature of allegations made in the complaint and having regard to the facts and circumstances of the case, the Station House Officer, Neredumet Police Station, Cyberabad is hereby directed not to arrest the petitioners who are

accused Nos.1 to 5 in Cr.No.757 of 2015 on his file.

9 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: 6th January, 2016

Kvsn

[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)