

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.832 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.2 to A.5 in Crime No.242 of 2015 on the file of the Station House Officer, Women Police Station, Hyderabad City, registered for the offence under Section 498-A I.P.C.

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 5 and the second respondent is the *de facto* complainant in Crime No.242 of 2015. It further reveals that the marriage of the second respondent was performed with accused No.1 on 04.05.2014 at Phirangipuram of Guntur District as per Hindu Rites and Caste Custom.

4. As per the allegations made in the complaint, the parents of the second respondent gave cash of Rs.5,50,000/- to accused No.1 towards dowry. It is further alleged that the petitioners have subjected the second respondent to cruelty for additional dowry.

5. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation only. 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 principle enunciated 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 criminal proceedings at the
threshold.

7. The learned counsel for the petitioners submitted that the
concerned Station House Officer may be directed not to arrest the
petitioners till completion of the investigation.

8. Taking into consideration the facts and circumstances of the
case, this Court is inclined to direct the Station House Officer,
Women Police Station, Hyderabad City, not to arrest the
petitioners/A.2 to A.5 in Crime No.242 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: 27.01.2016

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

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