

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3804 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/A.1 in Cr.No.29 of 2016 on the file of Banjara Hills Police Station, Hyderabad registered for the offences punishable under Section 498-A of IPC.

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

3 A perusal of the record reveals that the petitioner is A.1 and the second respondent is the de-facto complainant in Cr.No.29 of 2016.

 The 2nd respondent is none other than the wife of the petitioner. As per the allegations made in the complaint, the petitioner subjected the second respondent to cruelty for additional dowry.

4 The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. He further contended that the second respondent and her father bet the petitioner. A perusal of the record reveals basing on the complaint lodged by the petitioner, the Station House Officer, Banjara Hills Police Station registered a case in Cr.No.31 of 2010 under Sections 323 and 341 of IPC against the second respondent and her father.

5 Whether the petitioner has 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 petitioner submitted that the Station House Officer, Banjara Hills Police Station, Hyderabad, may be directed not to arrest the petitioner pending investigation in the crime.

8 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, Banjara Hills Police Station, is hereby directed not to arrest the petitioner/A.1 in Cr.No.29 of 2016 on his file, 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: 18th March, 2016

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

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