

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.122 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.475 of 2015 on the file of the Station House Officer, Pendurthy Police Station, Visakhapatnam District, registered for the offences under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

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 accused No.1 and the second respondent is the *de facto* complainant in Crime No.475 of 2015. It further reveals that the marriage of the second respondent was performed with the petitioner on 08.05.2015 in Annavaram temple.

4. As per the allegations made in the complaint, the petitioner subjected the second respondent to cruelty.

5. The contention of the learned counsel for the petitioner is that the second respondent executed an agreement of sale in favour of the petitioner on 15.05.2015 agreeing to sell the house property. It is further contended that the second respondent is not the wife of the petitioner.

6. Whether the second respondent is legally wedded wife of the petitioner/A.1 or not will come to light during the course of investigation. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings.

7. 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.

8. Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

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

10. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Pendurthy Police Station, Visakhapatnam District, not to arrest the petitioner/A.1 in Crime No.475 of 2015 till completion of the investigation.

11. With the above direction, the Criminal Petition is dismissed.

12. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 06.01.2016

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604