

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.2919 OF 2010

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.12 of 2010 on the file of Kurupam Police Station, Vizianagaram District registered for the offences punishable under Section 498-A of IPC and Section 3 of Dowry Prohibition Act.

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

3 The petitioner is the sole accused and the second respondent is the de-facto complainant in Cr.No.12 of 2010. As per the allegations made in the complaint, the petitioner and the second respondent resided under a same roof at Chilakalapalli village for a period of four years. It is further alleged that the petitioner subjected the second respondent to cruelty for additional dowry.

4 The contention of the learned counsel for the petitioner is that the second respondent is not legally wedded wife of the petitioner and hence she cannot take shelter of the provisions of Section 498-A of IPC; therefore, it is a fit case to quash the proceedings against the petitioner.

5 Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. If this Court expresses any opinion with regard to the relationship between the petitioner and the second respondent, the same may cause prejudice to the rights of the one of the parties to the proceedings. 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, Kurupam Police Station, Vizianagaram District, may be directed not to arrest the petitioner pending investigation in crime No.12 of 2010.

8 As seen from the record, this Court granted interim stay by order dated 30.03.2014. Having regard to the interim order granted by this Court dated 30.03.2014 and also having regard to the facts and circumstances of the case, the Station House Officer, Kurupam Police Station, Vizianagaram District is hereby directed not to arrest the petitioner who is accused in Cr.No.12 of 2010 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: 16th February, 2016

Kvsn

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

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

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

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