

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.1456 of 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/A.3 in Cr.No.164 of 2013 on the file of Gudivada Taluq Police Station, Krishna District.

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

3 A perusal of the record reveals that petitioner herein is the accused No.3 and the 2nd respondent is the de-facto complainant in Cr.No.164 of 2013. The record further reveals that the marriage of the 2nd respondent was performed with accused No.1 on 17.12.2011 in Railway Community Hall of Gudivada as per Hindu rites and caste custom. As per the allegations made in the complaint, the parents of the 2nd respondent gave Rs.2.00 lakhs of cash and 10 tulas of gold to A.1 towards dowry. It is further alleged that the petitioner herein along with other accused subjected the 2nd respondent to cruelty for additional dowry.

4 The contention of the learned counsel for the petitioner is that the petitioner is not the father-in-law of the 2nd respondent. On the other hand, the learned counsel for the 2nd respondent contended that the petitioner is the father-in-law of the 2nd respondent.

5 Whether the petitioner is the father-in-law of the 2nd respondent or not will come to light during the course of investigation. 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, Gudivada Taluq Police Station, Krishna District, may be directed not to arrest the petitioner/A.3 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, Gudivada Taluq Police Station, Krishna District is hereby directed not to arrest the petitioner / A.3 in Cr.No.164 of 2013 on his file, till completion of investigation.

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: 19.01.2016

Kvsn

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

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

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

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