

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

Crl.P.No.14626 of 2016

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the FIR in Cr.No.172 of 2016 of Proddatur III Town Police Station, YSR Kadapa District, registered for the offences punishable under Sections 498-A, 506 read with Section 34 IPC and under Sections 3 and 4 of Dowry Prohibition Act, against the petitioners/A1 to A8.

2. The case of the de facto complainant, second respondent herein, is that her husband and his relatives are harassing her mentally and physically by demanding additional dowry and also necked her out from the matrimonial house.

3. The main contention of petitioners is that the present complaint was lodged only after receipt of notice in marriage O.P.No.87 of 2016 filed under Section 13(1)(ia) of the Hindu Marriage Act, 1956 and that they did not commit any offence much less the offences alleged against them and that the facts of the case would not attract any offence alleged against them.

4. As seen from the allegations in the complaint dated 17.09.2016, certain serious allegations are made against the petitioners attributing specific overt acts against each individual. At this stage, it is not a fit case to quash the proceedings in the aforesaid crime. However, learned Public Prosecutor requested to pass an order directing the police concerned to follow the procedure as envisaged under Section 41-A Cr.P.C., and as held by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

¹ 2014(2) ALT (Crl.) 457 (SC)

5. In view of the request made by the learned Public Prosecutor and having found that there are no grounds to quash the FIR, I deem it appropriate to direct the police concerned to follow the procedure as envisaged under Section 41-A Cr.P.C., and the principles laid down by the Apex Court in **Arnesh Kumar's** case (1 supra).

6. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

18th October, 2016

Note:
Issue CC within two days

(Bo)
sj

M. SATYANARAYANA MURTY, J

