

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A2 to A5 in Crime No.131 of 2016 on the file of Station House Officer, Bowenpalli Police Station, registered for the offence punishable under Sections 307, 406, 506 and 120B read with 34 IPC.

2. Heard the learned counsel for the petitioners and learned Public Prosecutor.

3. The petitioners are A2 to A5 and the second respondent is *de facto* complainant in Crime No.131 of 2016. A perusal of the record reveals that the marriage of the second respondent was performed with A1 on 21.12.2008 as per Muslim rites and caste customs. The second respondent and A1 lived together upto 20.4.2014. As per the allegations made in the complaint, at the instigation of the petitioners herein, A1 made an attempt to kill the second respondent. The petitioners herein misappropriated the money of the second respondent and threatened her with dire consequences.

4. A perusal of the record reveals that the petitioners along A1 are facing trial in C.C. No.476 of 2015 on the file of the court of XV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally for the offences under Sections 498A, 506 IPC and Section 4 of Dowry Prohibition Act. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.

5. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. 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 and also the principle enunciated 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 criminal proceedings at the threshold.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. The petitioners are close relatives of A1. Taking into consideration the facts and circumstances of the case, the Station House Officer, Bowenpalli Police Station, is hereby directed not to arrest the petitioners-A2 to A5 till completion of investigation in Crime No.131 of 2016.

8. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T. SUNIL CHOWDARY, J

July 01, 2016

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] (2014) 15 SCC 221