

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4405 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.3 and A.4 in Crime No.35 of 2010 on the file of the Station House Officer, Pattabhipuram Police Station, Guntur District, registered for the offence under Section 498-A I.P.C.

2. Heard the learned counsel for the petitioners, the learned counsel for the second respondent and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are accused Nos.3 and 4 and the second respondent is the *de facto* complainant in Crime No.35 of 2010. It further reveals that the second respondent is the wife of accused No.1.

4. As per the allegations made in the complaint, the petitioners have subjected the second respondent to cruelty for additional dowry.

5. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation. 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.

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 Gujarat^[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. A perusal of the record reveals that on 20.05.2010 this Court granted interim stay of arrest of the petitioners.

8. Taking into consideration the facts and circumstances of the case and also the interim order of this Court dated 20.05.2010, the Station House Officer, Pattabhipuram Police Station, Guntur District, is hereby directed not to arrest the petitioners/A.3 and A.4 in Crime No.35 of 2010 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 17.02.2016

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)