

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15457 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings in Cr.No.44 of 2016 on the file of WPS, Nizamabad for the offence under Sections 498-A and 506 of IPC and 4 of Dowry and Prohibition Act on the ground that the allegations made in the complaint dt. 22.6.2016 would not constitute an offences punishable under Sections 498-A and 506 of IPC and also Section 4 of Dowry and Prohibition Act and the complaint was lodged only to get huge amount to obtain divorce from the petitioner No.1, who is working at Dalas, and thus the allegations made in the complaint are false on the face of the record.

2. It is the case of the *de facto* Complainant that her marriage with the petitioner was performed on 15.11.2015 and at the time of marriage, her parents paid Rs.10 lakhs as dowry besides presentation of 10 tulas of gold and other ornaments worth Rs.2,00,000/- and thereafter she joined the company of the petitioner to lead happy marital life. But the petitioner No.1 from first night itself shown his animal attitude by performing different acts and by using lap top, he exhibited certain blue films and demanded her to act as porn star, by following the scenes etc., However, the specific allegation made in the complaint is clear that petitioner No.1 demanded Rs.5 lakhs as additional dowry from her parents, subjected her to cruelty by making several phone calls for her failure to meet his illegal demand of additional dowry.

Similarly, petitioner Nos.2 to 6 pressurized her to meet their illegal demand for payment of additional dowry and they said that her relatives offered Rs.20,00,000/- as dowry, but because of their son selected her, they could not get more dowry and such acts on the face value would constitute offences, but if they are proved during trial.

3. The ground on which the petitioners filed this application is that those allegations are false and the petitioner No.1 is not expected to behave in such a manner as stated by the *de facto* complainant. However, the truth or otherwise of the allegations made in the complaint cannot be looked into by this Court while deciding a petition filed under Section 482 Cr.P.C. Therefore, the allegations made in the complaint on its face value would constitute *prima facie* case against all the petitioners/accused and as such, this Court cannot exercise its jurisdiction under Section 482 Cr.P.C. to quash the proceedings.

4. Similarly, the motive attributed to the *de facto* complainant is that she gave complaint to police to demand huge amount to obtain divorce etc., and those allegations cannot be looked into at this stage since the motive is relevant under Section 8 of Evidence Act, 1872 and that can be decided during the course of trial, but not at this stage.

5. Viewed from any angle, I find no ground to quash the proceedings in Cr.No.44 of 2016 on the file of WPS Police Station, Nizamabad, since it was not an abuse of process of law, as there is no bar to file complaint or against taking cognizance of the offence.

6. In view of my foregoing discussion, I find no grounds to quash the proceedings at this stage and accordingly, this Criminal Petition is liable to be dismissed.

7. At this stage, the learned Public Prosecutor conceded that the petitioners can avail the benefit of guidelines of the Apex Court whenever they are asked to appear before Police during the course of investigation and in view of the submission made by the learned Public Prosecutor, the Investigating Agency is directed to scrupulously follow the procedure contemplated under Section 41-A Cr.P.C. and the guidelines issued by the Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹.

8. With the above direction, this Criminal Petition is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Dt: 07-11-2016

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¹ 2014(8) SCALE 250

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