

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12455 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 6 in Crime No.200 of 2010 on the file of the Station House Officer, Jaggampeta Police Station, East Godavari District, registered for the offences under Sections 498-A and 506 I.P.C.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 6 and the second respondent is the *de facto* complainant in Crime No.200 of 2010.

4. As per the allegations made in the complaint, the marriage of the second respondent was performed with petitioner No.1 on 26.06.2006 at Sri Veera Venkata Satyanarayana Swamy Vari Devasthanam, Annavaram as per Hindu Rites and Caste Custom. It is further alleged that at the time of marriage, the parents of the second respondent gave half sovereign of gold and cash of Rs.10,000/- to petitioner No.1 towards dowry. It is also alleged that the petitioners have subjected the second respondent to cruelty for additional dowry.

5. The contention of the learned counsel for the petitioners is that the parents of the second respondent kidnapped petitioner No.1 and obtained his signatures on marriage certificate by force. He further submitted that the second respondent and her family members are facing trial in C.C.No.107 of 2009 on the file of the Court of the Judicial Magistrate of First Class, Prathipadu for the offences punishable under Sections 340, 341, 419, 323, 506 and 509 read with 34 I.P.C. and Section 3 of the Child Marriage Restraint Act, 1929. He also submitted that petitioner No.1 filed a civil suit against the second respondent for

declaration to declare his marriage with second respondent as null and void.

6. This Court is not inclined to express any opinion in view of pendency of civil and criminal proceedings between the parties.

7. 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.

8. 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 it is not a fit case to quash the criminal proceedings at the threshold.

9. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

10. A perusal of the record reveals that this Court granted interim stay of arrest of the petitioners on 14.12.2010.

11. Taking into consideration the facts and circumstances of the case and also the interim order of this Court dated 14.12.2010, the Station House Officer, Jaggampeta Police Station, East Godavari District, is hereby directed not to arrest the petitioners/accused Nos.1 to 6 in Crime No.200 of 2010 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 31.03.2016

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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)