

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3752 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-A1 in Crime No.9 of 2016 on the file of Station House Officer, Women Police Station, Visakhapatnam registered for the offences punishable under Section 498A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

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

3. The petitioner is A1 and the second respondent is *de facto* complainant in Crime No.9 of 2016. A perusal of the record reveals that the marriage of the second respondent was performed with the petitioner on 28.8.2010 in Visakhapatnam as per Hindu rites and caste customs. As per the allegations made in the complaint, at the time of the marriage, the parents of the second respondent gave Rs.4,00,000/- of cash to the petitioner towards dowry. It is further alleged that the petitioner along with other accused subjected the second respondent to cruelty for additional dowry.

4. The contention of the learned counsel for the petitioner is that the second respondent filed false case against the petitioner. A perusal of the record reveals that on 31.10.2015, the petitioner got issued notice to the second respondent directing her to join with him. The petitioner also filed O.P. No.1967 of 2015 on the file of the Family Court, Ranga Reddy District at L.B. Nagar for dissolution of the marriage between him and the second respondent. The second respondent lodged a complaint after filing

of divorce petition by the petitioner. Whether the petitioner has committed alleged offence or not will come to light during the course of investigation.

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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Taking into consideration the nature of employment of the petitioner, the Station House Officer, Women Police Station, Visakhapatnam is hereby directed not to arrest the petitioner-A1 till completion of investigation in Crime No.9 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

March 18, 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