

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

Crl.P.No.14637 of 2016

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the FIR in Cr.No.424 of 2016 of Nallapadu Police Station, Guntur, Guntur District, registered for the offences punishable under Sections 498-A, 420 read with Section 34 IPC and under Sections 3 and 4 of Dowry Prohibition Act, against the petitioners/A1 to A5.

2. The case of the de facto complainant, second respondent herein, is that her husband and his relatives are harassing her mentally and physically by demanding additional dowry of Rs.20 lakhs from her parents.

3. The main contention of petitioners is that the divorce petition being HMOP No.95 of 2014 on the file of Senior Civil Judge, Guntur, filed by the first petitioner is posted to 19.10.2016 for cross-examination of de facto complainant and the present complaint is lodged after filing the said O.P., with false allegations.

4. As seen from the allegations in the complaint there are certain serious allegations made against the petitioners. At this stage, it is not a fit case to quash the proceedings in the aforesaid crime. However, learned Public Prosecutor requested to pass an order directing the police concerned to follow the procedure as envisaged under Section 41-A Cr.P.C., and as held by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

5. In view of the request made by the learned Public Prosecutor and having found that there are no grounds to quash the FIR,

¹ 2014(2) ALT (Crl.) 457 (SC)

I deem it appropriate to direct the police concerned to follow the procedure as envisaged under Section 41-A Cr.P.C., and the principles laid down by the Apex Court in **Arnesh Kumar's** case (1 supra).

6. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTY, J

18th October, 2016

sj

