

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.8507 of 2016**

**ORDER:**

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 5 in Crime No.75 of 2016 of Gurazala Town Police Station, Guntur District, registered for the offences under Sections 498-A IPC and 3 and 4 of Dowry Prohibition Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the State.

A perusal of the record reveals that the first petitioner is the husband of the second respondent. Petitioner No. 2 is mother, Petitioner No.3 is grand-mother, petitioner No.4 is the younger brother of first petitioner respectively and petitioner No.5 is the relative of petitioner No.1.

As per the allegations made in the complaint, the marriage of the second respondent was performed with the first petitioner on 30.01.2015 at Jangareddygudem as per Hindu rites and caste customs. As per the allegations made in the complaint, at the time of marriage the parents of the second respondent gave landed property and gold ornaments to the first petitioner towards dowry. It is further alleged that the petitioners herein subjected the second respondent to cruelty for additional dowry.

While deciding the petition 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 to ascertain the truthfulness or otherwise of the allegations made in the complaint at the initial stage of the 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.

Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v.**

**State of Punjab**<sup>[1]</sup> and **State of Haryana v. Bhajanlal**<sup>[2]</sup>, I am of the

view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

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.

Having regard to the facts and circumstances of the case, the Station House Officer, Gurazala Town Police Station, Guntur District, is hereby directed not to arrest the petitioners, who are accused Nos.1 to 5, in Crime No.75 of 2016 till completion of investigation.

With the above direction, the Criminal Petition is dismissed.

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

**T.SUNIL CHOWDARY, J**

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Date:21.06.2016

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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604