

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.788 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A2 to A7 in Crime No.175 of 2015 on the file of Station House Officer, Yellareddy Police Station, Nizamabad District, registered for the offence punishable under Sections 147, 148, 290, 323, 498A, 109, 506 read with 149 IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

3. The petitioners are A2 to A7 and second respondent is *de facto* complainant in Crime No.175 of 2015. A perusal of the record reveals that the marriage of the second respondent was performed with A1 on 20.11.2013 in T.Bala Goud Function Hall, Yellareddy, Nizamabad District, as per Hindu rites and caste customs. As per the allegations made in the complaint, at the time of the marriage, the parents of second respondent gave gold and silver ornaments to A1 towards dowry. It is further alleged that the petitioners subjected the second respondent to cruelty towards additional dowry and also threatened her with dire consequences. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.

4. 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.

5. 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.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. Having regard to the facts and circumstances of the case, the Station House Officer, Yellareddy Police Station, Nizamabad District, is hereby directed not to arrest the petitioners/A2 to A7 till completion of investigation in Crime No.175 of 2015.

7. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 25.1.2016

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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)