

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.821 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.519 of 2015 on the file of Station House Officer, Arundalpet Police Station, Guntur Urban, registered for the offences punishable under Sections 498A and 420 IPC.

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

3. The petitioner is sole accused and second respondent is *de facto* complainant in Crime No.519 of 2015. A perusal of the record reveals that the marriage of the petitioner was performed with the daughter of the second respondent on 10.8.2008 at Eluru as per Hindu rites and caste customs. As per the allegations made in the complaint, at the time of the marriage, the second respondent gave an amount of Rs.20,00,000/- and 100 tolas of gold to the petitioner towards dowry. It is further alleged that the petitioner opened the joint locker and took away the gold ornaments with an ulterior motive to cheat the second respondent. It is also alleged that the petitioner subjected the daughter of the second respondent to cruelty for additional dowry. The *de facto* complainant is none other than the mother-in-law of the petitioner. The petitioner is a Doctor by profession. Whether the petitioner has 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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Arundalpet Police Station, Guntur Urban is hereby directed not to arrest the petitioner/accused till completion of investigation in Crime No.519 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: 27.1.2016

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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)