

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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CRIMINAL PETITION No.3740 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 A8 in Crime No.733 of 2015 on the file of the Station House Officer, WPS, DD, Hyderabad, registered for the offences punishable under Sections 498-A and 406 IPC and 4 and 6 of Dowry Prohibition Act, 1961.

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

3. A perusal of the record reveals that the petitioners are A2 to A8 and the second respondent is the *de facto* complainant in Crime No.733 of 2015. The marriage of the 2nd respondent was performed with A1 on 30-11-2011 at Konda Satyanarayana Garden, Karimnagar as per Hindu Rites and caste customs. As per the allegations made in the complaint, the parents of the 2nd respondent gave cash of Rs.5,00,000/- and 123 grams of gold to A1 towards dowry. It is further alleged that the petitioners herein subjected the 2nd respondent to cruelty for additional dowry.

4. The contention of the learned counsel for the petitioners is that the second respondent foisted a false case against the petitioners due to disputes. If this court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. Whether the petitioners have committed the alleged offences 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 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, WPS, DD, Hyderabad, is hereby directed not to arrest the petitioners-A2 to A8 till completion of investigation in Crime No.733 of 2015.

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

DATED: 18.03.2016.

Hsd

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)