

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1774 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A1 in Crime No.51 of 2015 on the file of Station House Officer, T.Sodayapalem Police Station, Guntur District registered for the offences under Sections 498A and 509 IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

3. The petitioner is A1 and the second respondent is *de facto* complainant in Crime No.51 of 2015. As per the allegations made in the complaint, the marriage of the second respondent was performed with the petitioner on 08.4.2012 at Chennuvaripalem, Guntur District as per Hindu rites and caste customs. At the time of the marriage, the parents of second respondent gave Rs.2,00,000/- cash and gold ornaments to the petitioner towards dowry. It is further alleged that the petitioner along with other accused subjected the second respondent to cruelty for additional dowry. The learned counsel for the petitioner contended that the second respondent filed the complaint after the petitioner herein filed HMOP No.44 of 2015 on the file of the court of Senior Civil Judge, Repalle seeking dissolution of marriage between him and the second respondent. Whether the petitioner 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, T.Sodayapalem Police Station, Guntur District is hereby directed not to arrest the petitioner/A1 till completion of investigation in Crime No.51 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

February 12, 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)