

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13092 of 2010

ORDER:

-

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.1 in Crime No.140 of 2010 on the file of Station House Officer, Amalapuram Town Police Station, Amalapuram, East Godavari District, registered under Sections 498-A, 494 read with 34 IPC and 3 and 4 of the Dowry Prohibition Act.

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

A perusal of the record reveals that the petitioner is accused No.1 and the first respondent is the *de facto* complainant. The marriage of the petitioner was performed with the first respondent on 08.03.1995 at Amalapuram as per Hindu rites and caste customs. As per the allegations made in the complaint, at the time of marriage the parents of the first respondent gave Rs.1,25,000/- cash, one tula of gold and motor cycle to the first respondent towards dowry. As per the allegations made in the complaint, the petitioner along with others subjected the respondent to cruelty for additional dowry. It is further alleged that the petitioner herein married another lady during the subsistence of his valid marriage with the first respondent. If this Court expresses any opinion touching the merits of the case, the same may cause prejudice to either of the parties to the proceedings. Whether the petitioner has committed the alleged offence or not will come to light during the course of investigation only.

It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioner, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

I have carefully perused the material available on record in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record 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 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.

The learned counsel for the petitioner submitted that the

concerned Station House Officer may be directed not to arrest the petitioner till completion of investigation.

Having regard to the facts and circumstances of the case and also in view of the interim order of this Court dated 29.12.2010, the Station House Officer, Amalapuram Town Police Station, is hereby directed not to arrest the petitioner/accused in Crime No.140 of 2010 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

1st April, 2016

Rns

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

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

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)