

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.2606 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A-1 to A-7 in Crime No.17 of 2016 on the file of Pamur Police Station, Pamur, Prakasam District registered for the offences under Section 498-A I.P.C. and Sections 3 and 4 of the 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 A-1 to A-7 and the second respondent is the *de facto* complainant in Crime No.17 of 2016. As per the allegations made in the complaint, the marriage of the second respondent was performed with the first petitioner on 17.9.2006 as per Muslim rites and caste custom and the parents of the second respondent gave Rs.4,00,000/- cash and 20 sovereigns of gold to the first petitioner towards dowry. It is further alleged that the petitioners subjected the second respondent to cruelty for additional dowry.
4. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.
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 principles 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, Pamur Police Station, Prakasam District is
hereby directed not to arrest the petitioners/A-1 to A-7 till completion of
investigation in Crime No.17 of 2016.

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

JUSTICE T.SUNIL CHOWDARY

Date:01.3.2016
AMD

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AMD

[\[1\]](#) A.I.R. 1960 S.C. 866
[\[2\]](#) A.I.R. 1992 S.C. 604
[\[3\]](#) (2009) 3 S.C.C. 78
[\[4\]](#) 2015 (1) A.C.R. 564 (SC)