

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3849 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/A.1 to A.5 in Cr.No.40 of 2016 on the file of Station House Officer, Naupada Town Police Station, Srikakulam District registered for the offences punishable under Section 498-A, 323 and 506 r/w of IPC and Sections 3 and 4 of Dowry Prohibition Act.

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.5 and the second respondent is the de-facto complainant in Cr.No.40 of 2016. The marriage of the second respondent was performed with the first petitioner on 23.05.2013 as per Hindu rites and caste custom. It is further alleged that at the time of marriage, the parents of the second respondent gave Rs.3.00 lakhs of cash to the first petitioner. As per the allegations made in the complaint, the petitioners used to beat the 2nd respondent and threatened her with dire consequences. It is further alleged that the petitioners herein subjected the second respondent to cruelty for additional dowry.

4 The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioners.

5 Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the

truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. 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 on hand and also the principle laid down 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 proceedings at this stage.

7 The learned counsel for the petitioner submitted that the Station House Officer, Naupada Town Police Station may be directed not to arrest the petitioners/A.1 to A.5 pending investigation in the crime.

8 Taking into consideration the nature of allegations made in the complaint and having regard to the facts and circumstances of the case, the Station House Officer, Naupada Town Police Station is hereby directed not to arrest the petitioners/A.1 to A.5 in Cr.No.40 of 2016 on his file, till completion of investigation.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 18th March, 2016

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

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