

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9567 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.9 in Crime No.129 of 2016 of Asifnagar Police Station, Hyderabad, registered under Sections 120-B, 406, 420, 498-A and 506 IPC.

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.9 and the second respondent is the *de facto* complainant.

The marriage of A1 was performed with the daughter of second respondent on 24.08.2014 as per Muslim rites and caste customs. Immediately after the marriage, the daughter of the second respondent joined with A1 to lead happy marital life. Out of their lawful wedlock, A1 and daughter of second respondent were blessed with a daughter on 13.12.2015. As per the allegations made in the complaint, the petitioner herein along with others subjected the daughter of the second respondent to cruelty for additional dowry. It is further alleged that the petitioner herein along with other accused misappropriated the money of the daughter of the second respondent and cheated her.

While deciding the petition under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint at the initial stage of the investigation. The material placed before the Court 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 principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

A perusal of the record reveals that the petitioner is a doctor by profession. Taking into consideration the profession of the petitioner, the Station House Officer, Asifnagar Police Station, Hyderabad, is hereby directed not to arrest the petitioner, who is accused No.9 in Crime No.129 of 2016 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.

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T.SUNIL CHOWDARY, J
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Date:01.07.2016
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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604