

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.2695 of 2016**

**ORDER:**

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 3, 5 and 6 in Crime No.9 of 2016 on the file of Station House Officer, Kothapeta Police Station, East Godavari District, registered under Sections 498-A read with Section 34 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 accused Nos.1 to 3, 5 and 6 and the 2<sup>nd</sup> respondent is the *de facto* complainant in Crime No.9 of 2016. The marriage of the 2<sup>nd</sup> respondent was performed with Accused No.1 on 06.03.2015 at Annavaram temple as per Hindu rites and caste customs. As per the allegations made in the complaint, the parents of the 2<sup>nd</sup> respondent gave Rs.10 Lakhs cash to accused No.1 towards dowry. It is further alleged that the petitioners herein subjected the 2<sup>nd</sup> respondent to cruelty for additional dowry.

4. The contention of learned counsel for the petitioners is that no part of cause of action arose within the jurisdiction of the Station House Officer, Kothapeta. Therefore, it is a fit case to quash the proceedings in Crime No.9 of 2016.

5. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. If this Court expresses any opinion at this point of time, the same may cause prejudice to one of the parties to the proceedings.

6. 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 petitioners, then this Court can quash the proceedings in order to prevent abuse of process of Court thereby to secure the ends of justice.

7. 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.

8. Having regard to the facts and circumstances of the case and also the principle enunciated in ***R.P.KAPOOR v. STATE OF PUNJAB***<sup>[1]</sup>, ***STATE OF HARYANA v. BHAJAN LAL***<sup>[2]</sup>, ***V.Y.JOSE V STATE OF GUJARAT***<sup>[3]</sup> ***AND TEEJA DEVI v. STATE OF RAJASTHAN***<sup>[4]</sup>, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

9. The learned counsel for the petitioners submitted that

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

10. Having regard to the facts and circumstances of the case, the Station House Officer, Kothapeta Police Station, East Godavari District, is hereby directed not to arrest the petitioners/accused Nos.1 to 3, 5 and 6 in Crime No.9 of 2016 till completion of investigation.

11. 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**

2<sup>nd</sup> March, 2016.  
Rds

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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)