

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.818 of 2016

ORDER:

-

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 and A2 in Crime No.20 of 2016 on the file of Station House Officer, Tanuku Town Police Station, West Godavari District registered for the offence under Section 498A read with 34 IPC.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. The petitioners are A1 and A2 and second respondent is *de facto* complainant in Crime No.20 of 2016. A perusal of the record reveals that the marriage of the second respondent was performed with the first petitioner about 25 years back. As per the allegations made in the complaint, the petitioners subjected the second respondent to cruelty for additional dowry. The contention of learned counsel for the petitioners is that the second respondent filed false case against the petitioners with an intention to take vengeance against them. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation only.

4. 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.

5. 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.

6. 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, Tanuku Town Police Station is hereby directed not to arrest the petitioners/A1 and A2 till completion of investigation in Crime No.20 of 2016.

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

T.SUNIL CHOWDARY, J

January 27, 2016.

YS

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

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

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

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