

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

Crl.P.No.14727 of 2016

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the FIR in Cr.No.77 of 2016 of Adoni III Town Police Station, Kunool District, registered for the offences punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act, against the petitioners/A2 to A4.

2. It is alleged in the complaint that A1 along with petitioners/A2 to A4 was harassing the de facto complainant, second respondent herein, mentally and physically by demanding half share in the landed property of her father. It is also alleged that during her stay in in-laws house, her father-in-law-A2 subjected her sexual harassment with the cooperation of her mother-in-law-A3.

3. The grounds urged in this petition are that the petitioners/A2 to A4 are no way concerned with the alleged offences and that there are no specific allegations against them to constitute the offence punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act.

4. As seen from the allegations in the complaint, I find specific overt acts attributed against each of petitioners/A2 to A4. However, learned counsel for petitioners contended that the first petitioner is working as Junior Assistant in the Office of Assistant Labour Officer, Yemmiganur, and the second petitioner is working as Assistant Professor in I.T., Vardhaman Engineering College, Hyderabad, and on the date of alleged offences, he was at Hyderabad, and that in

the event of their arrest by the police, they will be put to substantial loss besides serious consequence in their employment.

5. The contention of petitioners that the third petitioner was not present on the date of alleged offences cannot be accepted since it is a question of fact to be decided during trial based on evidence in view of Section 11 of Indian Evidence Act. Hence, there are no grounds to quash the proceedings at this stage. However, taking into consideration of employment of 1st and 3rd petitioners/A2 and A4, I find that it is a fit case to direct the police concerned to follow the procedure as envisaged under Section 41-A Cr.P.C., and guidelines laid down by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

6. In view of the allegations in the complaint, I deem it appropriate to direct the police concerned to follow the procedure as envisaged under Section 41-A Cr.P.C., and the principles laid down by the Apex Court in **Arnesh Kumar's** case (1 supra).

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

M. SATYANARAYANA MURTY, J

19th October, 2016

sj

¹ 2014(2) ALT (CrI.) 457 (SC)