

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.437 of 2016

ORDER:

-

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 and A4 to A6 in Crime No.477 of 2015 on the file of Station House Officer, Chandanagar Police Station, Cyberabad, registered for the offence punishable under Sections 498A IPC.

2. Heard Sri Challa Dhanamjaya, learned counsel for the petitioners, Sri N.Ashwani Kumar, Advocate, representing Ms.M.Vanajakshi, learned counsel for the second respondent and the learned Public Prosecutor representing the State.

3. The petitioner Nos.1 to 4 are A1 and A4 to A6 respectively and the second respondent is *de facto* complainant in Crime No.477 of 2015. The learned counsel for the petitioners has sought permission of this court to permit petitioner No.1/A1 to withdraw the criminal petition with liberty to avail all the remedies available to him under law. Permission is granted.

4. A perusal of the record reveals that the marriage of the second respondent was performed with A1 on 07.12.2008 at Vasavi Kalyana Mantapam, Lakdikapool, Hyderabad as per Hindu rites and caste customs. As per the allegations made in the complaint, the petitioner Nos.2 to 4/A4 to A6 along with other accused have subjected the second respondent to cruelty for additional dowry. Whether the petitioner Nos.2 to 4/A4 to A6 have committed the alleged offence or not will come to light during the course of investigation only.

5. 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.

6. 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.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioner Nos.2 to 4. Having regard to the facts and circumstances of the case, the Station House Officer, Chandanagar Police Station, Cyberabad, is hereby directed not to arrest the petitioner Nos.2 to 4/A4 to A6 till completion of investigation in Crime No.477 of 2015.

8. With the above direction, criminal petition is dismissed so far as petitioner Nos.2 to 4/A4 to A6 are concerned. The criminal petition, so far as petitioner No.1/A1 is concerned, is dismissed as withdrawn. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 22.1.2016

YS

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)