

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1425 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/Accused No.1 in Cr.No.70 of 2015 on the file of Gudlur Police Station, Prakasam District registered for the offences punishable under Sections 498-A, 452, 352 and 506 r/w 34 of IPC.

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

3 The petitioner is accused No.1 and the second respondent is the de-facto complainant in Cr.No.70 of 2015 on the file of Gudlur Police Station, Prakasam District. The marriage of the 2nd respondent was performed with the petitioner on 16.10.2011 as per Hindu rites and caste custom. As per the allegations made in the complaint, at the time of marriage, the parents of the second respondent gave an amount of Rs.11.50 lakhs cash and 15 sovereigns of gold to the petitioner towards dowry. It is further alleged that the petitioner along with his other family members has subjected the second respondent to cruelty for additional dowry.

4 The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner.

5 Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the

complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. 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 on hand and also the principle laid down 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 proceedings at this stage.

7 The learned counsel for the petitioner submitted that the Station House Officer, Gudlur Police Station, Prakasam District, may be directed not to arrest the petitioner pending investigation in the crime.

8 Taking into consideration the nature of employment of the petitioner and having regard to the facts and circumstances of the case, the Station House Officer, Gudlur Police Station, Prakasam District is hereby directed not to arrest the petitioner who is accused No.1 in Cr.No.70 of 2015 till completion of investigation.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 8th January, 2016

Kvsn

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

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

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

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