

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7795 of 2015

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 and A2 in Crime No.111 of 2015 on the file of Station House Officer, Women Police Station, Warangal Urban registered for the offences under Sections 498A IPC and Section 3 of Dowry Prohibition Act.

2. Heard the learned counsel for the petitioners, learned counsel for the second respondent 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.111 of 2015. A perusal of the record reveals that the marriage of the second respondent was performed with petitioner No.1/A1 on 24.8.2013 at Warangal, as per Hindu rites and caste customs. As per the allegations made in the complaint, at the time of the marriage the parents of the second respondent gave cash of Rs.8,50,000/- and two (2) tulas of gold to petitioner No.1/A1 towards dowry. It is further alleged that the petitioners subjected the second respondent towards additional dowry. The petitioner No.1/A1 has been working in Defence. 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, Women Police Station, Warangal Urban is hereby directed not to arrest the petitioners/A1 and A2 till completion of investigation in Crime No.111 of 2015.

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

February 05, 2016.
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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)