

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3721 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-accused in Crime No.16 of 2016 on the file of the Station House Officer, Moghalpura Police Station, Hyderabad, registered for the offence punishable under Section 498-A IPC.

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

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.16 of 2016. The marriage of the petitioner was performed with the sister of the 2nd respondent in the year 2011 as per Muslim Rites and caste customs. Out of lawful wedlock, the petitioner and sister of the 2nd respondent were blessed with two children. As per the allegations made in the complaint, the petitioner subjected the sister of the 2nd respondent to cruelty. A perusal of the record reveals that number of times, both agreed in the presence of elders that they will lead happy marital life without any disputes.

4. The contention of the learned counsel for the petitioner is that the second respondent foisted a false case against the petitioner due to disputes. If this court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. Whether the petitioner has committed the alleged offence or not will come to light during the course of investigation.

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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case and taking into consideration the inter se relationship between the parties, the Station House Officer, Moghalpura Police Station, Hyderabad, is hereby directed not to arrest the petitioner-accused till completion of investigation in Crime No.16 of 2016.

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

T.SUNIL CHOWDARY, J

DATED: 18.03.2016.

Hsd

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

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