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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1670 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.3 in Crime No.44 of 2015 on the file of the Station House Officer, Alladurg Police Station, Medak District, registered for the offences under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

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 accused No.3 and the second respondent is the *de facto* complainant in Crime No.44 of 2015. It further reveals that the marriage of the second respondent was performed with accused No.1 on 25.05.2012 at Bandlaguda Village, Ramachandrapuram Mandal, Medak District.

4. As per the allegations made in the complaint, the parents of the second respondent gave cash of Rs.1,00,000/- and three tulas of gold to accused No.1 towards dowry. It is further alleged that the petitioner along with others subjected the second respondent to cruelty for additional dowry.

5. The contention of the learned counsel for the petitioner is that the petitioner has nothing to do with the family of accused No.1.

6. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court

i s *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

7. 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.

8. The learned counsel for the petitioner submitted that the petitioner is a Head Constable by profession, therefore, the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

9. Taking into consideration the nature of employment of the petitioner, this Court is inclined to direct the Station House Officer, Alladurg Police Station, Medak District, not to arrest the petitioner/A.3 in Crime No.44 of 2015 till completion of the investigation.

10. With the above direction, the Criminal Petition is dismissed.

11. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 11.02.2016

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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)