

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.790 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 to A6 in Crime No.890 of 2014 on the file of Station House Officer, KPHB Colony Police Station, Cyberabad District, registered for the offence punishable under Sections 498A, 406, 420, 323, 341 and 506 IPC and Sections 3 and 4 of Dowry Prohibition Act.

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

3. The petitioners are A1 to A6 and second respondent is *de facto* complainant in Crime No.890 of 2014. A perusal of the record reveals that the marriage of the second respondent was performed with petitioner No.1/A1 on 05.10.2009 at Khaja Mansion, Banjara Hills, Hyderabad as per Muslim rites and caste customs. As per the allegations made in the complaint, at the time of the marriage, the parents of second respondent gave an amount of Rs.50,00,000/- to A1 towards dowry. It is further alleged that the petitioners subjected the second respondent to cruelty towards additional dowry. It is also alleged that the petitioners misappropriated the money of the second respondent with an ulterior motive to cheat her. Whether the petitioners have committed the alleged offences 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, KPHB Colony Police Station, is hereby directed not to arrest the petitioners/A1 to A6 till completion of investigation in Crime No.890 of 2014.

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

Date: 25.1.2016

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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)