

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

Crl.P.No.14902 of 2016

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the FIR in Cr.No.635 of 2016 of Taluka Police Station, Ongole, Prakasam District, registered for the offences punishable under Sections 498-A, 494,506, 509 r/w 34 IPC and under Sections 3 and 4 of Dowry Prohibition Act, against petitioners/A1 to A4.

2. There is no dispute regarding relationship between the 2nd respondent/de-facto complainant and the petitioners. The 1st petitioner is husband, 2nd and 3rd petitioners are in-laws and 4th petitioner is sister-in-law of second respondent. The marriage of 2nd respondent with the 1st petitioner was performed on 01.10.2009 and at the time of marriage, her parents complied with all formalities like dowry and other articles as demanded by the petitioners. It is also alleged that at the instance of petitioners 2 to 4, the 1st petitioner subjected the 2nd respondent to cruelty as she gave birth to a female child while demanding additional dowry.

3. The contention of petitioners is that there are no specific overt acts attributed against each individual, but at this stage, it cannot be expected from the complaint about the specific overt acts since the FIR is not an encyclopaedia of facts. Therefore, it is not the appropriate stage to quash the proceedings in the aforesaid crime. However, learned Public Prosecutor requested to pass an order directing the police concerned to follow the procedure as envisaged

under Section 41-A Cr.P.C., and as held by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

4. In view of the request made by the learned Public Prosecutor and having found that there are no grounds to quash the FIR, I deem it appropriate to direct the police concerned to follow the procedure as envisaged under Section 41-A Cr.P.C., and the principles laid down by the Apex Court in **Arnesh Kumar's** case (1 supra).

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

20th October, 2016

sj

M. SATYANARAYANA MURTY, J

¹ 2014(2) ALT (CrI.) 457 (SC)