

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3874 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.60 of 2017 on the file of the Station House Officer, Penpahad Police Station, Suryapet District, registered for the offences punishable 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 Assistant Public Prosecutor for the State of Telangana.

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.60 of 2017. It further reveals that the marriage of the second respondent was performed with the petitioner on 17.08.2013 as per Hindu Rites and Caste Custom. Immediately after the marriage, the second respondent joined the petitioner to lead marital life.

4. It is the case of the second respondent that the petitioner subjected her to cruelty for additional dowry.

5. Learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner.

6. It is not in dispute that the second respondent is none other than the wife of the petitioner. Whether the petitioner subjected the second respondent to cruelty for additional dowry 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 is *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 Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gurajat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

8. Learned counsel for the petitioner submitted that the petitioner is working as a Government Teacher.

9. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar⁵**, the Station House Officer, Penpahad Police Station, Suryapet District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.60 of 2017 so far as the petitioner/accused is concerned.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250

10. With the above direction, the Criminal Petition is disposed of.

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

T.SUNIL CHOWDARY, J

Date: 05.06.2017
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