

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5550 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.2 to 4 in Crime No.162 of 2017 on the file of the Station House Officer, Siddipet (R) Police Station, registered for the offences punishable under Sections 498(A) IPC and 3 and 4 of Dowry Prohibition Act.

2. Learned counsel for the petitioners submitted that for the reasons best known, the second respondent foisted a false case against the petitioners. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners, therefore, it is a fit case to quash the proceedings. ***Per contra***, learned Assistant Public Prosecutor for the State of Telangana submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners are accused Nos.2 to 4 and the second respondent is the *de facto* complainant. The marriage of the second respondent was performed with accused No.1 on 09.12.2016 at Vysroy Gardens, Secunderabad, as per Hindu rites and caste customs. Immediately after the marriage, the second

respondent went to USA along with accused No.1 to lead marital life. As per the allegations made in the complaint, at the time of marriage, the parents of the second respondent gave Rs.15,00,000/- of cash towards dowry. It is further alleged that the petitioners herein subjected the second respondent to cruelty for additional dowry and accused No.1 obtained signatures of second respondent as if she is not willing to continue marital life with accused No.1.

4. 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. Whether the petitioners have committed the alleged offence or not will come to light during the course 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.

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 Gujarat**³ and **Teeja Devi v. State of**

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

Rajasthan⁴, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

6. 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 Bihar**⁵, the Station House Officer, Siddipet (R) Police Station, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.162 of 2017 so far as the petitioners/accused Nos.2 to 4 are concerned.

7. With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 13.07.2017
Rns

T.SUNIL CHOWDARY, J

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273