

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6138 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 4 in Crime No.166 of 2017 on the file of the Station House Officer, Saroornagar Women Police Station, Ranga Reddy District, registered for the offences under Sections 498-A and 506 IPC and Section 4 of Dowry Prohibition Act.

2. Learned counsel for the petitioners strenuously submitted that the second respondent foisted a false case against the petitioners for the reasons best known to her. 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. **Per contra,** learned Assistant Public Prosecutor for the State of Telangana submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and the second respondent is the *de facto* complainant. The marriage of the second respondent was performed with A1 on 18.03.2017 at Hotel Swagath Grand, Habsiguda, Hyderabad, as per Hindu rites and caste customs. Immediately after the marriage, the second

respondent joined with Accused No.1 to lead marital life. It is further alleged that the petitioners herein subjected the second respondent to cruelty physically and mentally for additional dowry.

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 offences 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 Rajasthan**⁴, 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

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Court in **Arnesh Kumar v State of Bihar**⁵, the Station House Officer, Saroornagar Women Police Station, Ranga Reddy District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.166 of 2017.

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:26.07.2017
Rns

T.SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273