

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4665 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/ accused Nos.2 to 5 in Crime No.98 of 2017 on the file of the Station House Officer, Women Police Station, Saroornagar, registered under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. Learned counsel for the petitioners submitted that 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 offence alleged to have been committed by the petitioners. Learned Assistant Public Prosecutor 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 A2 to A5 and the second respondent is the *de facto* complainant. The marriage of the second respondent was performed with accused No.1 on 26.03.2016 at Hyderabad as per Hindu rites and caste customs. As per the allegations made in the complaint, the parents of the second respondent gave Rs.20.00 lakhs of cash and other articles towards dowry to the petitioners at the time of marriage. It is further alleged that the petitioners subjected the second respondent to cruelty 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 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 Gurajat*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 Court in *Arnesh Kumar v. State of Bihar*⁵, the Station House Officer, Women Police Station, Saroornagar, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.98 of 2017 so far as the petitioners/ accused Nos.2 to 5 are 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

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

T.SUNIL CHOWDARY, J

Date:21.06.2017
Rns

