

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5488 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-accused No.1 in Crime No.255 of 2017 on the file of the Station House Officer, RGI Airport Police Station, Cyberabad, registered for the offences under Section 498A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. Learned counsel for the petitioner submitted that the second respondent foisted a false case to harass the petitioner. 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 petitioner; therefore, it is a fit case to quash the proceedings against the petitioner. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant. The record further reveals that the marriage of the second respondent was performed with the petitioner in the year 2013 as per Muslim rites and caste customs. Immediately after the marriage, the second respondent joined the petitioner to lead marital life. Out of lawful wedlock, the petitioner and the second respondent were blessed with two daughters. As per the allegations made in the complaint, the petitioner along with other accused subjected the second respondent to cruelty physically and mentally for additional dowry.

4. While deciding the petitions 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 petitioner has committed the alleged offences or not will come in 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, RGI Airport Police Station, Cyberabad, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.255 of 2017 so far as the petitioner-accused No.1 is concerned.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 5 (2014) 8 SCC 273

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

T.SUNIL CHOWDARY, J

July 11, 2017.
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