

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6186 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.5 in Crime No.87 of 2017 on the file of the Station House Officer, Bhadrachalam (Town) Police Station, registered for the offences punishable under Sections 498-A and 506 read with 34 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The learned counsel for the petitioner strenuously submitted that the petitioner is not the family member of accused Nos.1 to 4; therefore, it is a fit case to quash the proceedings. He further submitted that the petitioner has nothing to do with the family affairs of accused Nos.1 to 4 and the second respondent falsely implicated him.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint constitute the offences alleged to have been committed by the petitioner.

4. A perusal of the record reveals that the petitioner is accused No.5 and the second respondent is the *de-facto* complainant in Crime No.87 of 2017. It further reveals that the marriage of the second respondent was performed with accused No.1 on 06.06.2015 at Bhadrachalam as per Hindu rites and caste customs.

5. As per the allegations made in the complaint, at the time of marriage, the parents of the second respondent gave an amount of

Rs.13,00,000/- and 14 tulas of gold to accused Nos.1 to 4 towards dowry. It is further alleged that the petitioner herein directed the second respondent to give an amount of Rs.5,00,000/- as additional dowry to accused No.1 otherwise give divorce to him.

6. 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 petitioner has 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.

7. 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.

8. 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, Bhadrachalam (Town) Police Station, is hereby directed to follow

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273

the procedure as contemplated under Section 41A Cr.P.C. in Crime No.87 of 2017 so far as the petitioner/accused No.5 is concerned.

9. 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: 26.07.2017
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