

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2716 of 2017

ORDER:

The present petition is filed by the petitioners/accused Nos.2 to 5 requesting to quash the First Information Report in Crime No.38 of 2017 of Women Police Station, Charminar, Hyderabad, by exercising the power under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code').

The petitioners along with accused No.1, who is the husband of respondent No.1/*de facto* complainant, alleged to have committed the offences punishable under Sections 498-A, 406 and 506 read with 34 of IPC and Sections 4 and 6 of the Dowry Prohibition Act.

In paragraph 6 of the present petition, though, the petitioners mention the rulings of the Hon'ble Supreme Court in **Preeti Gupta v. State of Jharkand**¹ and **Geeta Mehrotra v. State of U.P**², the learned counsel for the petitioners would contend that the *de facto* complainant, having waited till receipt of notice in divorce petition filed by accused No.1, filed the present complaint against the petitioners and accused No.1.

Learned Additional Public Prosecutor for the State of Telangana would resist the request of the petitioners.

¹ 2010 CrI.L.J. 4303

² 2012 (10) SCC 741

Since the request of the petitioners is to quash the First Information Report in the aforesaid crime, what is required to be looked into is whether there are allegations *prima facie* pointing out the complicity of the petitioners.

A perusal of the complaint filed by the *de facto* complainant, even at this stage, show the *prima facie* allegations as to participation of the petitioners herein in the aforesaid crime. Hence, there is no merit in the present petition. However, the Investigating Officer is directed to follow the procedure inlaid by the provisions of Section 41A of the Code and also the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**³.

With the above observations and direction, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous applications, if any, pending in the present petition stand closed.

JUSTICE A.SHANKAR NARAYANA

04.04.2017
v v

³ (2014) 8 SCC 273