

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4331 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.2 to A.11 in Crime No.19 of 2017 on the file of the Station House Officer, Wankidi Police Station, KB Asifabad District, registered for the offences punishable under Sections 498-A and 494 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Learned counsel for the petitioners submitted that the second respondent foisted a false case against petitioner Nos.4 to 10. He further submitted that the allegations made in the complaint will not fall within the ambit of Section 494 I.P.C., therefore, it is a fit case to quash the proceedings.

3. Learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioners are accused Nos.2 to 11 and the second respondent is the *de facto* complainant in Crime No.19 of 2017. The marriage of the second respondent was performed with A.1 on 24.04.2012 as per their Caste Customs. Immediately after the marriage, the second respondent joined A.1 to lead marital life. Out of lawful wedlock, the second respondent and A.1 were blessed with a daughter.

5. As per the allegations made in the complaint, A.1 married the third petitioner i.e., Gurunule Achal during the subsistence of

his marriage with the second respondent. It is further alleged that petitioner Nos.4 to 10 herein performed the marriage of A.1 with petitioner No.3 knowing fully well the subsistence of first marriage of A.1. It is also alleged that petitioner Nos.1 to 3 have subjected the second respondent to cruelty for additional dowry.

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 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.

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 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.

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,

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

Wankidi Police Station, KB Asifabad District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.19 of 2017 so far as the petitioners/A.2 to A.11 are concerned.

9. With the above direction, the Criminal Petition is disposed of.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 14.06.2017
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