

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4979 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/Accused No.4 in Cr.No.66 of 2016 on the file of Station House Officer, Women Police Station, Kakinada, East Godavari District registered for the offences punishable under Sections 498-A r/w 34 of IPC and sections 3 and 4 of Dowry Prohibition Act.

2 The learned counsel for the petitioner submitted that the second respondent foisted a false case against 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.

3 The learned Public Prosecutor representing the State of Andhra Pradesh submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioner.

4 A perusal of the record reveals that the petitioner herein is accused No.4 and the second respondent is the *de-facto* complainant. A perusal of the record reveals that the marriage of the second respondent was performed with accused No.1 on 07.03.2015 at Rayudupalem of East Godavari District as per Hindu rites and caste custom. Immediately after the marriage, the second respondent joined the accused No.1 to lead marital life. As per the allegations made in the complaint, the parents of second respondent gave Rs.15.00 lakhs of cash to the accused at the time

of marriage. It is further alleged that the petitioner herein along with the other accused subjected the second respondent to cruelty for additional dowry.

5 While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

6 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 this is not a fit case to quash the proceedings at this stage.

7 Having regard to 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, Kakinada is hereby directed to follow the procedure

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

as contemplated under Section 41A Cr.P.C., in Cr.No.66 of 2016 so far as the petitioner who is accused No.4 is concerned.

8 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: 29th June, 2017
Kvsn

