

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4890 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 5 in Crime No.158 of 2017 on the file of the Station House Officer, Alipiri Police Station, Tirupathi Urban, registered under Section 498-A IPC and 3 and 4 of Dowry Prohibition Act.

2. Learned counsel for the petitioners submitted that the second respondent foisted a false case against the petitioners in order to overcome the criminal case registered against her and her family members. He further submitted that even if the allegations made in the complaint *ex facie* taken as true and correct, no case is made out against the petitioners. Learned Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 5 and the second respondent is the *de facto* complainant. The marriage of the second respondent was performed with the first accused on 25.01.2015 as per Hindu rites and caste customs. Immediately after the marriage, the second respondent joined with A1 to lead marital life. The first petitioner and *de facto* complainant stayed for some time at Hyderabad. A perusal of the record reveals that the second

respondent and her family members are accused in Crime No.154 of 2017 on the file of the Station House Officer, Alipiri Police Station registered for the offences punishable under Sections 341, 323 and 506 read with 34 IPC. As per the allegations made in the complaint, the petitioners herein subjected the second respondent to cruelty physically and mentally for additional dowry. It is further alleged that the petitioners herein beat the second respondent.

4. 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 second respondent lodged the present complaint as a counterblast to Crime No.154 of 2017 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.

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,

¹ AIR 1960 SC 866

² AIR 1992 SC 604

V.Y.Jose v. State of Gujarat³ and **Teeja Devi v. State of Rajasthan⁴**, 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 Bihar⁵**, the Station House Officer, Alipiri Police Station, Tirupathi Urban, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.158 of 2017.

7. With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date:28.06.2017
Rns

T.SUNIL CHOWDARY, J

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250