

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4433 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A2 in Crime No.94 of 2017 on the file of the Station House Officer, Narsingi Police Station, Cyberabad, Ranga Reddy District, registered for the offence punishable under Section 498-A IPC.

2. Learned counsel for the petitioner submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint constitute *prima facie* offence alleged to have committed by the petitioner.

3. A perusal of the record reveals that the petitioner is A2 and the 2nd respondent is the *de facto* complainant in Cr.No.94 of 2017. The record further reveals that the marriage of the 2nd respondent with A1 was performed eight years back. Out of lawful wedlock, A1 and the 2nd respondent blessed with two children. As per the allegations made in the complaint, the petitioner along with A1 subjected the 2nd respondent to cruelty for additional dowry. It is further alleged that the petitioner suspected the character of the 2nd 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 petitioner committed the alleged offence 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.

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, **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.

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 BIHAR**⁵, the Station House Officer, Narsingi Police Station, Cyberabad, Ranga Reddy District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.94 of 2017 so far as the petitioner/A2 is concerned.

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

DATED: 15-06-2017
Hsd

T.SUNIL CHOWDARY, J

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