

THE HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.4397 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/ accused Nos.2 and 3 in Crime No.60 of 2017 on the file of the Station House Officer, Women Police Station, Begumpet, Hyderabad City, registered under Sections 498-A, 406, 420 IPC and 4 and 6 of the Dowry Prohibition Act.

2. Learned counsel for the petitioners submitted that even if the allegations made in the complaint *ex facie* taken to be true and correct, no *prima facie* case is made out so far as the second petitioner/ Accused No.3 is concerned. He further submitted that the second respondent foisted a false case to take vengeance against the second petitioner and her family members. Per contra, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the marriage of the second respondent was performed with accused No.1 on 04.09.2014 as per Hindu rites and caste customs. Immediately after the marriage, the second respondent joined A1 to lead marital life. As per the allegations made in the complaint, the second petitioner herein along with other accused subjected the second respondent to cruelty. It is further alleged that A1 addicted to bad vices and subjected the second respondent to cruelty.

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 petitioners have 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, Women Police Station, Begumpet, Hyderabad City, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.60 of 2017 so far as the petitioners/ accused Nos.2 and 3 are concerned.

7. 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:15.06.2017
Rns

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250

