

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3262 OF 2017

ORDR:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the First Information Report in Crime No.57 of 2016 of Gadwal Town Police Station, erstwhile Mahabubnagar District, State of Telangana.

2. The petitioners herein, who are arraigned as accused Nos.2 to 5 in the aforesaid crime, along with accused No.1 alleged to have committed the offences punishable under Sections 498-A of Indian Penal Code, 1860 (for short 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Heard Sri S.K. Rizwan Ali, learned counsel for the petitioners and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioners would submit that respondent No.2 - *de facto* complainant and accused No.1 never resided with the petitioners and they were separately living and, therefore, the question of petitioners herein harassing the *de facto* complainant and demanding additional dowry do not arise; the *de facto* complainant falsely implicated the petitioners by filing the

present complaint only on receipt of notice in divorce case and, therefore, sought to quash the proceedings.

5. The learned Additional Public Prosecutor would resist the request. According to him, the allegations in the complaint would make out a case for the offences levelled against the petitioners.

6. Perused the complaint averments. There are certain allegations in paragraph No.3 of the complaint *prima facie* making out a case for the aforesaid offences to proceed with investigation. Unless the evidences are collected by the Investigating Officer, the truth or otherwise in the allegations made in the complaint cannot be decided in an application under Section 482 of the Code.

Therefore, the Criminal Petition is dismissed, at the admission stage itself. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

April 26, 2017.
Mgr