

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5203 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 4 in Crime No.157 of 2017 on the file of the Station House Officer, Saroornagar Women Police Station, Rachakonda District, registered for the offences punishable under Sections 498-A and 506 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The learned counsel for the petitioners strenuously submitted that no overt acts were attributed to petitioner Nos. 2 to 4; therefore, it is a fit case to quash the proceedings. 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 petitioners.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and the second respondent is the *de-facto* complainant in Crime No.157 of 2017. It further reveals that the marriage of the second respondent was performed with the first petitioner on 25.11.2007 as per Hindu rites and caste customs. Out of lawful wedlock, they were blessed with three daughters.

5. As per the allegations made in the complaint, at the time of marriage, the parents of the second respondent gave Rs.2,00,000/- of cash, five tulas of gold and other articles to the first petitioner towards dowry. It is further alleged that the petitioners herein subjected the second respondent to cruelty for additional dowry. It is also alleged that the petitioners threatened the second respondent with dire consequences.

6. 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 offences 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.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **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.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

8. Accordingly, the Criminal Petition is dismissed. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 05.07.2017
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