

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5042 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners / A.1 to A.3 in Cr.No.226 of 2017 on the file of Station House Officer, Raidurgam Police Station, Cyberabad, registered for the offences punishable under sections 498-A r/w 504 of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2 The learned counsel for the petitioners submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioners. He further submitted that the second respondent foisted a false case against the petitioners.

3 The learned Assistant Public Prosecutor representing the State of Telangana submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioners. Sri V. Ravi Kiran Rao learned counsel submitted that he is intending to file vakalat on behalf of the second respondent and requested time.

4 A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de-facto* complainant in Cr.No.226 of 2017. A perusal of the record reveals that the marriage of the second respondent was performed with the first petitioner on 12.11.2009 as per Hindu rites and caste custom. Out of the lawful wedlock, the second respondent and the first petitioner were blessed with a daughter. As per the allegations

made in the complaint, at the time of marriage the parents of the second respondent gave 9.00 lakhs towards dowry. It is further alleged that the petitioners herein subjected the second respondent to cruelty both mentally and physically and demanded an amount of Rs.50.00 lakhs for purchase of a flat at Bangaluru.

5 While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

6 Having regard to the facts and circumstances of the case on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v State of Gurajat³** and **Teeja Devi v State of Rajasthan⁴**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

7 Having regard to 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, Raidurgam

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

Police Station, Cyberabad is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.226 of 2017 in so far as the petitioners / accused Nos.1 to 3 are concerned.

8 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: 3rd July, 2017
Kvsn

