

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4443 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 to A6 in Crime No.77 of 2017 on the file of the Station House Officer, Lalapet Police Station, Guntur Urban, registered for the offences punishable under Sections 327, 354 and 498-A r/w 34 IPC and 3 and 4 of Dowry Prohibition Act, 1961.

2. Learned counsel for the petitioners submitted that the 2nd respondent filed a false complaint against the family members of the 1st petitioner with an ulterior motive. 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. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioners are A1 to A6 the 2nd respondent is the *de facto* complainant in Cr.No.77 of 2017. The record further reveals that the marriage of the 2nd respondent was performed with the 1st petitioner on 09-02-2015 as per Muslim Rites and Caste Customs. Immediately after the marriage, the 2nd respondent joined A1 to lead happy marital life. As per the allegations made in the complaint, the petitioners herein subjected the 2nd respondent to cruelty for additional dowry. It is further alleged that the petitioners herein made an attempt to outrage the modesty of the family members of the 2nd respondent. The gist of the allegations made in the complaint is the petitioners demanded money from 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 petitioners 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.

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, Lalapet Police Station, Guntur Urban, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.77 of 2017 so far as the petitioners/A1 to A6 are concerned.

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

T.SUNIL CHOWDARY, J

DATED: 15-06-2017
Hsd

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