

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3548 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.140 of 2017 on the file of the Station House Officer, Jangareddygudem Police Station, West Godavari District, registered for the offences punishable under Sections 498-A and 306 I.P.C.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

3. A perusal of the record reveals that basing on the complaint lodged by the second respondent, the Station House Officer, Jangareddygudem Police Station, registered a case in Crime No.140 of 2017 against the petitioner for the offences punishable under Sections 498-A and 306 I.P.C. A perusal of the record further reveals that the marriage of the petitioner was performed with one Udaya Lakshmi on 12.05.2005 as per Hindu Rites and Caste Custom. Immediately after the marriage, Udaya Lakshmi joined the petitioner to lead marital life. Out of lawful wedlock, the petitioner and Udaya Lakshmi were blessed with one daughter. A perusal of the record also reveals that Udaya Lakshmi filed a maintenance case against the petitioner.

4. It is the case of the prosecution that Udaya Lakshmi committed suicide on 21.04.2017 due to the harassment of the petitioner.

5. Learned counsel for the petitioner submitted that due to mental illness, Udaya Lakshmi committed suicide.

6. The various queries raised by the learned counsel for the petitioner involves complexity of disputed questions of fact, which cannot be gone into while deciding the petition under Section 482 Cr.P.C. Whether the deceased Udaya Lakshmi is mentally ill or not will come to light during the course of investigation. It is needless to say that the Court cannot conduct a roving enquiry at the stage of investigation.

7. 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. 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.

8. 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. Hence, the petition lacks merits and *bona fides*.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

9. Accordingly, the Criminal Petition is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 01.06.2017

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