

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5396 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.2 to 4 in Crime No.410 of 2017 on the file of the Station House Officer, Hayathnagar Police Station, registered for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The learned counsel for the petitioners submitted that accused No.1 and second respondent have been residing in a separate house. 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; therefore, it is a fit case to quash the proceedings. He also submitted that the second respondent is a T.B. patient.

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.2 to 4 and the second respondent is the *de-facto* complainant in Crime No.410 of 2017. It further reveals that the marriage of the second respondent was performed with accused No.1 on 27.08.2015 at MM Gardens Function Hall, Malakpet. Immediately after the marriage, the second respondent joined accused No.1.

5. As per the allegations made in the complaint, the petitioners along with the other accused subjected the second respondent to cruelty by demanding additional dowry of Rs.2,00,000/-. It is further alleged that the petitioners herein forced the second respondent to undergo medical examination on one pretext or other. The gist of the allegations made in the complaint is that the petitioners subjected the second respondent to cruelty.

6. This is not the stage to consider the health condition of the second respondent. 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 Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v. State of Gujarat**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.

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

T.SUNIL CHOWDARY, J

Date: 10.07.2017
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