

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5501 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.5 in Cr.No.139 of 2017 on the file of Station House Officer, Pedapadu Police Station, West Godavari District, registered for the offences punishable under sections 498-A and 420 r/w 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2 The learned counsel for the petitioners strenuously submitted that even if the allegations made in the complaint are ex facie taken to be true and correct, no case is made out against the petitioners. He further submitted that for the reasons best known to her, the second respondent foisted a false case against the petitioners. He further 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.

3 The learned Public Prosecutor representing the State of Andhra Pradesh 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 5 and the second respondent is the *de-facto* complainant in Cr.No.139 of 2017.

5 As per the allegations made in the complaint, the marriage of the second respondent was performed with the first petitioner on

15.11.2012 as per Hindu rites and caste custom. Immediately after the marriage, the second respondent joined the first petitioner to lead marital life. For one reason or the other, bad weather prevailed in the family life of the second respondent and the first petitioner. As per the allegations made in the complaint, the petitioners herein subjected the second respondent to cruelty for additional dowry both mentally and physically.

6 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.

7 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.

8 Having regard to the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh**

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Kumar v. State of Bihar⁵, the Station House Officer, Pedapadu Police Station, West Godavari District is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.139 of 2017 so far as the petitioners / accused Nos.1 to 5 are concerned.

9 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: 4th July, 2017
Kvsn



⁵ (2014) 8 SCC 273