

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.18218 of 2017

ORDER:

This petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings against the petitioners-accused Nos.1 to 4 in Crime No.61 of 2017 on the file of the Station House Officer, Pothkapalli Police Station, Ramagundam District, registered for the offences punishable under Section 498-A read with 34 IPC and Section 4 of Dowry Prohibition Act.

2. The learned counsel for the petitioners submitted that the Station House Officer, Pothkapalli Police Station, has no jurisdiction to register the criminal case. He further submitted that even if the allegations made in the complaint are taken to be true and correct, no case is made out against the petitioners.

3. *Per contra*, learned Assistant Government Pleader 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 4 and respondent No.3 is the *de facto* complainant in Crime No.61 of 2017. The marriage of respondent No.3 was performed with petitioner No.1/accused No.1 on 30.12.2015 as per Hindu rites and caste custom. Immediately after the marriage, respondent No.3 joined petitioner No.1 at Hyderabad to lead marital life. As per the allegations made in the complaint, the petitioners subjected respondent No.3 to cruelty for additional dowry. It is alleged that the

petitioners demanded more money from the parents of respondent No.3. It is further alleged that the petitioners necked out respondent No.3 from the house for the reasons best known to them.

5. Whether the petitioners have committed the offences alleged or not will come to light during the course of investigation. While deciding the petition filed under Article 226 of the Constitution of India, 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. 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 and also the principle enunciated 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 it is not a fit case to quash the criminal proceedings at the threshold.

7. The learned counsel for the petitioners submitted that the Station House Officer, Pothkapalli Police Station, Ramagundam District, may be directed not to arrest the petitioners pending investigation in the crime.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

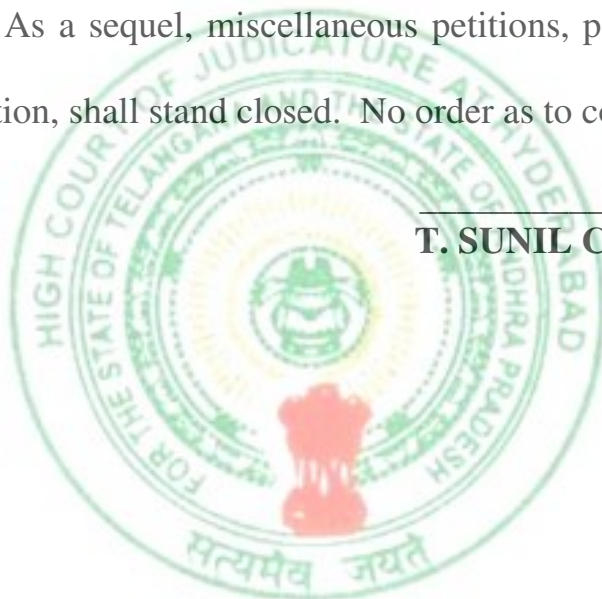
8. Taking into consideration the nature of allegations made in the complaint and in view of the principle enunciated by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**⁵, the Station House Officer, Pothkapalli Police Station, Ramagundam District, is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.61 of 2017 so far as the petitioners/accused Nos.1 to 4 are concerned.

9. With the above observations and direction, this Writ Petition is disposed of. As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed. No order as to costs.

9th June 2017.

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T. SUNIL CHOWDARY, J



⁵ 2014(8) SCALE 250