

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4576 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.83 of 2017 on the file of Station House Officer, Metpalli Police Station, registered for the offences punishable under Sections 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2 The learned counsel for the petitioners submitted that the second respondent has given a goby to the settlement deed dated 03.08.2015 and 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 offences alleged to have been committed by the petitioners, therefore, it is a fit case to quash the proceedings against the petitioners.

3 The learned Assistant Public Prosecutor representing the State of Telangana submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioners.

3 A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the de-facto complainant. A perusal of the record reveals that the marriage of the second respondent was performed with the first petitioner on 14.2.2014 as per Hindu rites and caste custom. At the time of marriage the parents of the second respondent gave dowry to the first petitioner. Immediately after the marriage, the second respondent joined the first petitioner to lead marital life. As per the

allegations made in the complaint, the petitioners subjected the second respondent to cruelty for additional dowry. A perusal of the record further reveals that the second respondent and the first petitioner entered into a compromise on 03.08.2015.

4 Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. 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. 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.

5 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.

6 The learned counsel for the petitioners submitted that the Station House Officer, Metpalli Police Station, may be directed not to arrest the petitioner Nos.2 and 3 who are accused Nos.2 and 3 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)

7 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, Metpalli Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.83 of 2017 so far as the petitioner Nos.2 and 3/accused Nos.2 and 3 are concerned.

8 With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 19th June, 2017
Kvsn

T. SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273