

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.19694 of 2017

ORDER:

This petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings against the petitioner/A.1 in Crime No.57 of 2017 on the file of Station House Officer, Kandukur Town Police Station, Prakasam District, registered for the offences punishable under Sections 498-A and 323 read with 34 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The learned counsel for the petitioner submitted that the third respondent foisted a false case against the petitioner and his family members with an intention to harass them. 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 petitioner; therefore it is a fit case to quash the proceedings.

3. The learned Assistant Government Pleader submitted that the allegations made in the complaint, *prima facie*, constitute the offences alleged to have been committed by the petitioner. He further submitted that it is not a fit case to quash the proceedings at this stage.

4. A perusal of the record reveals that the petitioner is accused No.1 and the third respondent is the *de-facto* complainant in Crime No.57 of 2017. The marriage of the third respondent was performed with the petitioner on 19.10.2014 as per Muslim Rites and Caste Customs. Immediately after the marriage, the third respondent joined the petitioner to lead marital life.

5. As per the allegations made in the complaint, the petitioner herein subjected the third respondent to cruelty physically and mentally for additional dowry. It is further alleged that the petitioner beat the third respondent.

6. 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. Whether the petitioner has committed the offences alleged or not will come to light during the course of investigation. 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 Gujarat³** 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. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Arnesh Kumar v. State of Bihar⁵, the Station House Officer, Kandukur Town Police Station, Prakasam District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.57 of 2017 so far as the petitioner/A.1 is concerned.

9. With the above direction, this Writ Petition is disposed of. As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed.

Date: 20.06.2017
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T. SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273