

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6042 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.16 of 2017 on the file of the Station House Officer, Anakapalli Women Police Station, registered for the offences punishable under Sections 498-A and 506 of IPC and Sections 3 and 4 of the Dowry Prohibition Act.

2. The learned counsel for the petitioners submitted that the second respondent lodged a false complaint, after receipt of the notice in the Divorce Petition filed by accused No.1. 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. ***Per contra***, 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.

3. A perusal of the record reveals that the petitioners are accused Nos.2 to 4 and the second respondent is the *de facto* complainant. The record further reveals that the marriage of the second respondent was performed with accused No.1 on 10.5.2015 at A.M.A. High School, Anakapalli, as per Hindu rites and caste customs. Immediately after the marriage, the second respondent joined accused No.1 to lead marital life. As per the allegations made in the complaint, at the time of the marriage, the parents of

the second respondent gave Rs.10,00,000/- cash, fifty (50) tulas of gold, three (3) Kgs of silver and household articles worth Rs.3,00,000/- to the petitioners and accused No.1 towards dowry. It is further alleged that the petitioners along with accused No.1 subjected the second respondent to cruelty for additional dowry.

4. While deciding the petitions 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 second respondent lodged the false complaint as a counter-blast to the Divorce Petition filed by accused No.1 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.

5. 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.

6. 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 (2014) 15 SCC 221

Arnesh Kumar v. State of Bihar⁵, the Station House Officer, Anakapalli Women Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.16 of 2017 so far as the petitioners-accused Nos.2 to 4 are concerned.

7. With the above direction, the criminal petition is disposed of. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

July 24, 2017.
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⁵ (2014) 8 SCC 273