

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.4097 of 2017**

**ORDER:**

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners-accused Nos.1 to 6 in Crime No.84 of 2017 on the file of the Station House Officer, Raghunathpally Police Station, Warangal District, registered for the offences punishable under Sections 323, 290 and 506 IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. The learned counsel for the petitioners submitted that the first respondent foisted a false case against the petitioners. He further submitted that the petitioner Nos.5 and 6 are not the family members of the first petitioner. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 6 and first respondent is *de facto* complainant in Crime No.84 of 2017. The record further reveals that the marriage of the first respondent was performed with the petitioner on 16.5.2010 at Yadagirigutta as per Hindu rites and caste customs. As per the allegations made in the complaint, the petitioner Nos.2 to 6 used to visit the house of first respondent and subject her to cruelty. The

fact remains that the petitioner Nos.2 to 6 and first respondent are not residing under the same roof.

4. While exercising the inherent power 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 petitioners have committed the alleged offences 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 Punjab**<sup>1</sup>, **State of Haryana v. Bhajan Lal**<sup>2</sup>, **V.Y.Jose v. State of Gujarat**<sup>3</sup> and **Teeja Devi v. State of Rajasthan**<sup>4</sup>, 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 **Arnesh Kumar v. State of Bihar**<sup>5</sup>, the Station

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<sup>1</sup> AIR 1960 SC 866

<sup>2</sup> AIR 1992 SC 604

<sup>3</sup> (2009) 3 SCC 78

<sup>4</sup> 2015 (1) ACR 564 (SC)

<sup>5</sup> (2014) 8 SCC 273

House Officer, Raghunathpally Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.84 of 2017 so far as the petitioners/accused Nos.1 to 6 are concerned.

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

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**T.SUNIL CHOWDARY, J**

Date: 08.06.2017

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