

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4041 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A1 in Crime No.197 of 2017 on the file of the Station House Officer, Kodad Town Police Station, Suryapet Town, Nalgonda District, registered for the offences punishable under Sections 498-A and 506 IPC and 4 and 6 of Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the State of Telangana.

3. A perusal of the record reveals that the petitioner is A1 and the 2nd respondent is the *de facto* complainant in Cr.No.197 of 2017. As per the allegations made in the complaint, the marriage of the petitioner with the 2nd respondent was performed on 10-09-2001 as per Hindu Rites and Caste Customs. It is the **case** of the 2nd respondent that the petitioner along with others subjected her to cruelty for additional dowry. It is further **alleged** that the petitioner along with others threatened her with dire consequences.

4. Learned counsel for the petitioners submitted that the 2nd respondent foisted a false case against the petitioner as the mother of the petitioner declined to transfer the property in her favour.

5. Per contra, learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* sufficient to investigate into the matter.

6. 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 petitioner 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.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v. State of Gurajat**³ and **Teeja Devi v. State of Rajasthan**⁴, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

8. 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, Kodad Town Police Station, Suryapet Town, Nalgonda District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.197 of 2017 so far as the petitioner/A1 is concerned.

9. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 07-06-2017
Hsd

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250