

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2665 of 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') to quash the First Information Report in Crime No.67 of 2017 of P.S.Chandanagar, Cyberabad.

The petitioners are arraigned as accused Nos.1 to 5 and they alleged to have committed the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The main submission of the learned counsel for the petitioners is that there are no allegations against the petitioners 2 to 5/accused Nos.2 to 5 as regards dowry demand and the harassment for not meeting such demand and, therefore, the complaint cannot be sustained against the petitioners.

Learned Additional Public Prosecutor for the State of Telangana would resist the request of the petitioners by drawing the attention to the incriminating allegations in the first page of the complaint.

In the presence of the said allegations against the petitioners 2 to 4 and also in the presence of yet another allegation against petitioner No.5 in the second page of the complaint, it is difficult to view at this stage that there are no *prima facie* allegations against the petitioners in the complaint and further investigation would amount to the abuse of process of law.

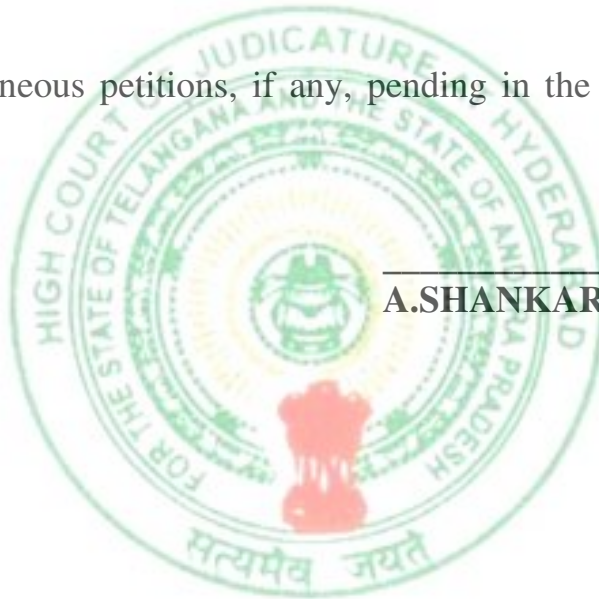
Since learned counsel for the petitioners would submit that notice under Section 41A of the Code was issued to petitioner No.1/accused No.1 only, the Investigating Officer is directed to follow the procedure under Section 41A of the Code so far as the petitioners 2 to 5/accused Nos.2 to 5 are also concerned and also to follow the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

With the above directions, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous petitions, if any, pending in the Criminal Petition stand closed.

Date: 19.04.2017
v v

A.SHANKAR NARAYANA, J



¹ (2014) 8 SCC 273