

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4319 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.4 in Crime No.63 of 2017 on the file of the Station House Officer, Women Police Station, Charminar, Hyderabad City, registered for the offences punishable under Sections 498-A, 406, 420 and 506 I.P.C.

2. Learned counsel for the petitioners strenuously submitted that the allegations made in the complaint do not constitute any offence much the offence punishable under Section 498-A I.P.C. He further submitted that the allegations made in the complaint will not fall within the ambit of Section 420 I.P.C.; therefore, it is a fit case to quash the proceedings.

3. *Per contra*, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* constitute the offences alleged to have been committed by the petitioners. He further submitted that this is not the stage to go into the merits of the main case in view of pendency of investigation.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and the second respondent is the *de facto* complainant in Crime No.63 of 2017. The marriage of the second respondent was officiated with the first petitioner on 08.12.2016 as per Christian Rites and Caste Customs. Immediately after the

marriage, the second respondent joined the first petitioner to lead marital life.

5. As per the allegations made in the complaint, petitioner Nos.2 to 4 performed the marriage of the second respondent with the first petitioner by concealing the factum of impotency of the first petitioner. It is further alleged that the petitioners have subjected the second respondent to cruelty for additional dowry. It is also alleged that the petitioners have threatened the second respondent with dire consequences.

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 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.

7. 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.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

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, Women Police Station, Charminar, Hyderabad City, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.63 of 2017 so far as the petitioners/A.1 to A.4 are concerned.

9. With the above direction, the Criminal Petition is disposed of.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 13.06.2017
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T.SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273