

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4289 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/ accused Nos.4 and 5 in Crime No.84 of 2017 on the file of the Station House Officer, Mandamarri Police Station, registered under Section 498-A IPC and 3 and 4 of the Dowry Prohibition Act.

2. Learned counsel for the petitioners submitted that the petitioners herein have nothing to do with the family affairs of respondent No.2 and accused No.1. He further submitted that in view of pendency of civil suits, the second respondent foisted a false case against the petitioners. Learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners herein are accused Nos.4 and 5 and the second respondent is the *de facto* complainant. The marriage of the *de facto* complainant was performed with accused No.1 on 20.08.2014 as per Hindu rites and caste customs. Immediately after the marriage, the second respondent joined A1 to lead marital life. Unfortunately bad weather prevailed in the family life of the second respondent and A1. As per the allegations made in the complaint, the petitioners herein along with the other accused subjected the second

respondent to cruelty for additional dowry. As per the allegations made in the complaint, A1 developed illicit intimacy with one Hemalatha and that fact was known to the other accused. A perusal of the record reveals that a panchayat was held on 11.10.2015 in the presence of elders to resolve the disputes between the parties.

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 offence 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*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.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

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*⁵, the Station House Officer, Mandamarri 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.4 and 5 are concerned.

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

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

Date:13.06.2017
Rns

T.SUNIL CHOWDARY, J

⁵ 2014 (8) SCALE 250