

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3980 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A2 to A4 in Crime No.184 of 2016 on the file of the Station House Officer, Mangalagiri Town Police Station, Guntur District, Andhra Pradesh, registered for the offence punishable under Section 498-A IPC.

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

3. A perusal of the record reveals that the petitioners are A2 to A4 and the 2nd respondent is the *de facto* complainant in Cr.No.184 of 2016. As per the allegations made in the complaint, A1 married the 2nd respondent after the death of his first wife. 1st petitioner is the son, 2nd petitioner is the daughter and 3rd petitioner is the son-in-law of A1. The case of the 2nd respondent is that the petitioners along with A1 subjected her to cruelty for additional dowry. A perusal of the record further reveals that the 2nd respondent filed O.S.No.401 of 2016 on the file of the Senior Civil Judge, Mangalagiri, against A1 seeking maintenance.

4. Learned counsel for the petitioners submitted that the 2nd respondent intentionally and willfully foisted a false case against the petitioner. He further submitted that the petitioners have nothing to do with the 2nd respondent and A1.

5. 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 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.

6. 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.

7. 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, Mangalagiri Town Police Station, Guntur District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.184 of 2016 so far as the petitioners/A2 to A4 are concerned.

8. 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: 06-06-2017
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