

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.16805 OF 2016

ORDER:

The present Criminal Petition is filed by the petitioners, who are arraigned as accused Nos.1 to 9 in Crime No.9 of 2016 of Women Police Station, Medak, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the First Information Report in the aforesaid Crime.

2. The petitioners alleged to have committed the offences punishable under Section 498A IPC and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

3. Heard Sri P. Venkat Reddy, learned counsel for the petitioners and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioners would submit that no acts constituting the harassment alleged to have meted out by the petitioners have been mentioned in the complaint and the complaint is very vague and, in fact, petitioner Nos.8 and 9 are strangers to the family of other petitioners and, therefore, sought to quash the proceedings.

5. The said request is opposed by the learned Additional Public Prosecutor.

6. A perusal of the complaint would show that the *de facto* complainant, who is respondent No.2 herein, has clearly shown the names of petitioner Nos.1 to 9 stating that petitioner Nos.8 and 9 are related to petitioner Nos.1 and 2 and, therefore, petitioner Nos.8 and 9 cannot be construed as strangers at this stage unless the Investigating Officer probes into the said aspect during course of investigation. No doubt, the details of acts constituting the harassment are not mentioned, but it is clear that when the names of each petitioner is shown as having taken part in the commission of offence, at this stage, it is difficult to hold that investigation in the aforesaid crime is nothing but abuse of process of law, when there are *prima facie* allegations in the complaint.

7. Therefore, the Criminal Petition is dismissed. The Investigating Officer, however, is directed to adhere to the procedure inlaid by the provisions of Section 41A of the Code and also keeping in view, the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

February 28, 2017.

Mgr

1. (2014) 8 SCC 273