

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4737 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners-accused Nos.2 to 8 in Crime No.75 of 2017 on the file of the Station House Officer, Jagtial Town Police Station, registered for the offence punishable under Section 498-A of IPC and Section 4 of Dowry Prohibition Act.

2. The learned counsel for the petitioners submitted that the second respondent foisted a false case to wreak vengeance against the petitioners. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners. **Per contra**, learned Assistant Public Prosecutor for the first respondent-State submitted 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 marriage of the second respondent was performed with the accused No.1 on 01.3.2017 and the present complaint is filed on 03.4.2017. As per the allegations made in the complaint, at the time of the marriage, the parents of the second respondent gave Rs.10,00,000/- cash and 13½ of gold to the accused No.1 towards dowry. It is further alleged that the petitioners subjected the second respondent to cruelty for additional dowry.

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.

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, Jagtial Town Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.75 of 2017 so far as the petitioners/accused Nos.2 to 8 are concerned.

7. With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J.

June 22, 2017.
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¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273