

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3942 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.83 of 2017 on the file of the Station House Officer, Chinachowk Police Station, YSR Kadapa District, registered for the offences punishable under Sections 498-A, 406 and 420 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

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 accused Nos.2 to 4 and the second respondent is the *de facto* complainant in Crime No.83 of 2017.

4. A perusal of the record reveals that the marriage of the *de facto* complainant was performed with the accused No.1 on 05.10.2016 as per Christian rites and caste customs. As per the allegations made in the complaint, petitioners herein concealed the factum of impotency of accused No.1 and performed his marriage with second respondent. It is further alleged that the petitioners herein subjected the second respondent to cruelty for additional dowry.

5. Learned counsel for the petitioners submitted that the petitioners were falsely implicated in this case.

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 were falsely implicated in this case or not will be decided at the time of trial. 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.

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 Bihar⁵, the Station House Officer, Chinnachowk Police Station, YSR Kadapa District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.83 of 2017 so far as the petitioners/ accused Nos.2 to 4 are concerned.

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

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.

T.SUNIL CHOWDARY, J

Date: 06.06.2017

Rns

