

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4697 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.5 and A.6 in Crime No.39 of 2017 on the file of the Station House Officer, Musunur Police Station, Krishna District, registered for the offences punishable under Sections 498-A, 406, 506 and 420 I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The learned counsel for the petitioners submitted that the petitioners have nothing to do with the family affairs of the second respondent and A.1. He further submitted that taking advantage of relationship of the petitioners with A.1, the second respondent foisted a false case against these petitioners. He also submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioners are accused Nos.5 and 6 and the second respondent is the *de facto* complainant in Crime No.39 of 2017. The marriage of the second respondent was performed with A.1 in the year 2013 as per Hindu rites and caste customs. Immediately after the marriage, the second respondent joined A.1 to lead marital life. A perusal of the record further reveals that A.1 filed H.M.O.P.No.6 of 2017, under

Section 9 of the Hindu Marriage Act, on the file of the Court of the Senior Civil Judge, Markapur, against the second respondent.

5. As per the allegations made in the complaint, the petitioners along with other accused performed the marriage of the second respondent with A.1 stating that A.1 completed the M.D.Course. The specific allegation of the second respondent is that by the time of marriage, A.1 has not completed the M.D. Course. It is further alleged that at the time of marriage, the parents of the second respondent gave Rs.30,00,000/- to A.1 as dowry. It is also alleged that the petitioners herein threatened the second respondent with dire consequences.

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 have committed the alleged offences 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.

7. 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 Gujarat**³

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

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.

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 Bihar**⁵, the Station House Officer, Musunur Police Station, Krishna District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.39 of 2017 so far as the petitioners/A.5 and A.6 are concerned.

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.

Date: 22.06.2017
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T.SUNIL CHOWDARY, J

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273