

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5214 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners-accused Nos.3 and 4 in Crime No.62 of 2017 on the file of the Station House Officer, Women Police Station, Begumpet, Hyderabad, registered for the offences under Sections 498-A and 506 of IPC and Sections 4 and 6 of Dowry Prohibition Act.

2. Learned counsel for the petitioners 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. He further submitted that the second respondent foisted a false case against the petitioners; therefore, it is a fit case to quash the proceedings against the petitioners. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioners are accused Nos.3 and 4 and the second respondent is the *de facto* complainant in Crime No.62 of 2017. The marriage of the second respondent was performed with accused No.1 on 26.4.2007 at Tirumala as per Hindu rites and caste customs. Immediately after the marriage, the second respondent joined the accused No.1 to lead marital life. Out of lawful wedlock, the second respondent and accused No.1 were blessed with a daughter. The second respondent and accused No.1 lived in different places due to their employment. As per the allegations made in the complaint, the

petitioners subjected the second respondent to cruelty for additional dowry. It is further alleged that the petitioners did not allow the second respondent even to use mobile phone. The gist of the allegations made in the complaint is that the petitioners subjected the second respondent to cruelty physically and mentally, continuously for a period of ten years.

4. While deciding the petitions 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 in 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 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.

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 Bihar⁵**, the Station House Officer, Women

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 5 (2014) 8 SCC 273

Police Station, Begumpet, Hyderabad, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.62 of 2017 so far as the petitioners-accused Nos.3 and 4 are concerned.

7. With the above direction, the criminal petition is disposed of. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

July 05, 2017.

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