

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5988 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 3 in Crime No.87 of 2017 on the file of the Station House Officer, Women Police Station, Kakinada, East Godavari District, registered for the offences punishable under Sections 498-A and 506 r/w 34 IPC and 3 and 4 of D.P. 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; therefore, it is a fit case to quash the proceedings. ***Per contra***, 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; therefore, it is not a fit case to quash the proceedings at this stage.

3. A perusal of the record reveals that the petitioners are A1 to A3 and the 2nd respondent is the *de facto* complainant in Cr.No.87 of 2017. The marriage of the 2nd respondent was performed with accused No.1 on 03-06-2015 at Srikakulam as per Hindu Rites and Caste Customs. Immediately after the marriage, the 2nd respondent joined accused No.1 to lead happy marital life. As per the allegations made in the complaint, at the time of marriage, the parents of the 2nd respondent gave Rs.8,00,000/- towards dowry to the petitioners. Even after the marriage, father of the 2nd respondent gave Rs.2,50,000/- to the petitioners. It is further alleged that

the petitioners subjected the 2nd 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 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.

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, Women Police Station, Kakinada, East Godavari District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.87 of 2017 so far as the petitioners/A1 to A3 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 SCC 273

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

T.SUNIL CHOWDARY, J

DATED: 21-07-2017
Hsd

