

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.17832 of 2017

ORDER:

1 This petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings against the petitioners/Accused No.2 to 7 in Cr.No.171 of 2017 on the file of Station House Officer, Medchal Police Station, Cyberabad registered for the offences punishable under Sections 498-A, 323 and 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act and Sections 3 (1) (s) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2 The learned counsel for the petitioners submitted that the petitioners have nothing to do with the accused No.1 and the third respondent – de-facto complainant. He further submitted that the third respondent foisted a false case against the petitioners herein for the reasons best known to her.

3 On the other hand the learned Assistant Government Pleader submitted that the allegations made in the complaint, prima facie, constitute the offences alleged to have been committed by the petitioners, hence it is not a fit case to quash the proceedings.

4 A perusal of the record reveals that the marriage of the third respondent was performed with the accused No.1 on 26.8.2016. As per the allegations made in the complaint, the petitioners herein along with the accused No.1 subjected the third respondent to cruelty for additional dowry. It is further alleged that the petitioners herein insulted the third respondent in the name of her caste. The fact

remains that the marriage between the accused No.1 and the third respondent – de-facto complainant is inter caste marriage.

5 The predominant contention of the learned counsel for the petitioners is that the petitioners are residents of Guntur whereas the accused No.1 and the third respondent have been residing at Bangalore.

6 A Perusal of the record reveals that the third respondent made several allegations against the petitioners. Whether the petitioners have committed the offences alleged or not will come to light during the course of investigation. While deciding the petition filed under Article 226 of the Constitution of India the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

7 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 this is not a fit case to quash the proceedings at this stage.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

8 The learned counsel for the petitioners submitted that the Station House Officer, Medchal Police Station, Cyberabad may be directed not to arrest the petitioners pending investigation in the crime.

9 Taking into consideration the nature of allegations made in the complaint and in view of the principle enunciated by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**⁵, the Station House Officer, Medchal Police Station, Cyberabad is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.171 of 2017 so far as the petitioners/accused No.2 to 7 are concerned.

10 With the above observations and direction, this Writ Petition is disposed of. As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed.

Date: 8th June, 2017
Kvsn

T. SUNIL CHOWDARY, J

⁵ 2014(8) SCALE 250