

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4937 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.539 of 2017 on the file of the Station House Officer, Jeedimetla Police Station, Cyberabad, registered under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

2. Learned counsel for the petitioners submitted that the second respondent foisted a false case against the petitioners. He further submitted that the allegations made in the complaint do not constitute any offence much less the offence punishable under Section 498-A IPC and 3 and 4 of Dowry Prohibition Act. Per contra, learned Assistant Public Prosecutor for the State of Telangana submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners herein are accused Nos.1 to 3 and the second respondent is the *de facto* complainant. The marriage of second respondent with A1 was performed on 16.10.2010 at New Delhi as per Hindu rites and caste customs. Immediately after the marriage, the second respondent joined with A1 to lead marital life and they lived together in different places. As per

the allegations made in the complaint, the parents of the second respondent gave Rs.5,00,000/- of cash and 20 tulas of gold to the first petitioner towards dowry. The gist of the allegations made in the complaint is that the petitioners subjected the second respondent to cruelty by demanding additional dowry of Rs.5,00,00,000/-.

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 offence 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 Gujarat**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.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

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, Jeedimetla Police Station, Cyberabad, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.539 of 2017 so far as the petitioners/accused Nos.1 to 3 are concerned.

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

Date:29.06.2017
Rns

T.SUNIL CHOWDARY, J



⁵ 2014 (8) SCALE 250