

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.932 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 to A.3 and others, seeking to quash the proceedings in Crime No.8 of 2018 on the file of the Nalgonda II Town Police Station, Nalgonda District, registered for the offences punishable under Sections 498-A of I.P.C., Section 4 of the Dowry Prohibition Act, 1961, and Section 3(1)(r)(s) of SCs & STs (POA) Amendment Act, 2015.

2. Heard the learned counsel for the petitioners/A.1 to A.3 and others, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioners/A.1 to A.3 and others would submit that the petitioners 2 to 8 herein were not present at the marriage alleged to have been performed between the petitioner/accused No.1 and the de-facto complainant in Arya Samaj, on 04.06.2017. Thereafter, the matter was settled between the accused No.1 and the de-facto complainant. Both of them agreed to get the marriage dissolved on someother conditions, i.e., the petitioner/A.1 not calling the de-facto complainant, deleting the messages and the photographs from the Whatsapp etc. There is also letter, dated 04.06.2017, given by Arya Samaj, which reveals that performance of marriage between the parties. It is alleged that

after settlement, the petitioner/accused No.1 started harassing the de-facto complainant. Under these circumstances, this Court deems it appropriate to dispose of this Criminal Petition with appropriate directions.

4. In view of the nature of allegations leveled against the petitioner/accused No.1, the Station House Officer, Nalgonda II Town Police Station, Nalgonda District, is directed to follow the procedure laid down under Section 41A of Cr.P.C. and adhere to the guidelines formulated by the Apex Court in *Arnesh Kumar Vs. State of Bihar*¹, before arresting him. As far as the petitioners 2 to 8 herein are concerned, they shall not be arrested pending investigation. The Investigating Officer, after completion of investigation, may file charge-sheet or final report, as the case may be.

5. With the above directions, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

Dr. Shameem Akther, J

30th January, 2018
Bvv

¹ (2014) 8 SCC 273