

**THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

**Crl.P.No.6986 of 2018**

**ORDER**

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.26 of 2018 of Women Police Station, Adilabad, registered for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, against the petitioners, on various grounds.

On the strength of the report lodged by the 2<sup>nd</sup> respondent, the above crime was registered and issued FIR.

The petitioners contended that the 2<sup>nd</sup> respondent lodged report with the police making serious allegations specifically against her husband, but not against them. Therefore, continuing proceedings against them is an abuse of process of the Court and requested to quash the proceedings against them.

Learned counsel for the petitioners reiterated the allegations made in the petition while drawing the attention of this Court to page No.4 of the complaint lodged by the 2<sup>nd</sup> respondent.

No doubt, FIR is only information to the police about commission of cognizable offence to set criminal law into motion and it need not contain minute details since it is not an encyclopaedia of facts. However, the Apex Court in ***Rajesh Sharma v. State of U.P.***<sup>1</sup> formulated certain guidelines to be followed by the investigating agency, consists of the Chairman of Legal Services Authority and others to enquire into and proceed further. The Family Counselling Centre will look into the allegations and permit the police to proceed against

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<sup>1</sup> 2017 (2) ALT (Crl.) 393 (SC)

those persons, when material is available and the Courts are bound to follow the guidelines issued by the Apex Court as on today. Therefore, this Court cannot quash the proceedings and I am sure that the Family Counselling Centre will take care of the petitioners and if for any reasons there is no material against the petitioners, the Family Counselling Centre will issue necessary direction to delete the names of the petitioners from the array of accused in the crime.

The power of this Court under Section 482 Cr.P.C. is limited and this Court can exercise power only to implement the order passed by this Court to prevent abuse of process of Court or to meet the ends of justice. The Apex Court in **State of Orissa v. Saroj Kumar Sahoo**<sup>2</sup> held that the inherent powers under Section 482 Cr.P.C. should not be exercised by the High Court to stifle a legitimate prosecution. The High Court, being the highest Court of a State should normally refrain from giving a *prima facie* decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard and fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceedings at any stage. While exercising jurisdiction under Section 482 Cr.P.C, it is not permissible for the Court to act as if it was a trial Court. Even when charge is framed, at that stage, the Court has to only *prima facie* be satisfied about existence of sufficient ground for proceeding against the accused. For that limited purpose, the Court can evaluate material and documents on records but it cannot appreciate evidence. The Court is not required to appreciate evidence to conclude whether the materials

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<sup>2</sup> (2005) 13 SCC 540

produced are sufficient or not for convicting the accused. In earlier judgment of the Apex Court in **Kurukshetra University v. State of Haryana**<sup>3</sup>, the Apex Court took a serious view about quashing the proceedings by the High Court while exercising power under Section 482 Cr.P.C. and observed as follows:

*“It surprises, us in the extreme that the High Court thought that in the exercise of its inherent powers under Section 482 of the Cr.P.C. it could quash a First Information Report. The police had not even commenced investigation into the complaint filed by the Warden of the University and no proceeding at all was pending in any court in pursuance of the F.I.R. it ought to be realized that inherent powers do not confer an arbitrary jurisdiction on the High Court to act according to whim or caprice. That statutory power has to be exercised sparingly, with circumspection and in the rarest of rare cases.”*

Applying the above principles, this Court cannot exercise its jurisdiction under Section 482 Cr.P.C. and quash the proceedings when the investigation is not yet commenced since the allegations made in the complaint make out *prima facie* case for the offences punishable under the above Sections. However, the investigating agency is directed to follow the guidelines issued by the Apex Court in **Rajesh Sharma's** case referred supra.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

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**M. SATYANARAYANA MURTHY, J**

06.07.2018  
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<sup>3</sup> AIR 1977 SC 2229