

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.2570 OF 2021

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in Cr.No.127 of 2021, pending on the file of Raidurgam Police Station, Cyberabad. The petitioners herein are accused Nos.2 to 4. The offences alleged against them are under Sections 498-A, 406, 420, 504 and 506 read with 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners as well as the learned Public Prosecutor. Perused the record.

3. The marriage of A-1 with the daughter of the *de facto* complainant was performed on 11.04.2019 and the daughter of the *de facto* complainant died on 29.11.2020. It appears that there are matrimonial disputes between the petitioners, A-1, 2nd respondent and deceased daughter of the 2nd respondent. Accused No.1 has lodged a complaint on 14.03.2021 with P.S., Habeebnagar Police Station against 2nd respondent making certain serious allegations of committing criminal breach of trust, cheating etc. and in proof of the same, learned counsel has filed copy of the complaint dt.14.03.2021. According to the learned counsel, despite receiving and acknowledging the said complaint, the Police have not acted upon it. On the next day i.e., on 15.03.2021, the 2nd respondent has lodged the present complaint against the petitioners herein as a counter blast. According to

him, there are no allegations much less specific allegations against the petitioners herein in the complaint dt.15.03.2021.

4. Learned Public Prosecutor, on instructions would submit that the Investigating Officer has already recorded the statements of five witnesses and the investigation is pending.

5. A perusal of the complaint dt.15.03.2021 lodged by the 2nd respondent and the complaint dt.14.03.2021 lodged by accused No.1 would reveal that there are several factual aspects to be investigated into by the Investigating Officer, during the course of investigation. According to the 2nd respondent, the marriage of his daughter with A-1 was performed on 11.04.2019. His daughter died on 29.11.2020 and he has lodged the present complaint on 15.03.2021 alleging that his son-in-law misrepresented about his qualification, harassed his daughter four months later to the marriage. The said allegations needs to be investigated into by the Investigating Officer. The petitioner No.1 is father, aged about 65 years and petitioner No.2 is mother, aged about 55 years and petitioner Nos.3 and 4 are married brothers of A-1.

6. Considering the said aspects and also the fact that the punishment for the offences alleged against the petitioners is imprisonment of seven years and below seven years, this Criminal Petition is disposed of directing the Investigating Officer in Cr.No.127 of 2021, pending on the file of Raidurgam Police Station, Cyberabad, to strictly follow the procedure laid down under Section 41-A Cr.P.C., and also the guidelines issued by the

Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹. The petitioners shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous Petitions, pending if any, shall stand closed.

K. LAKSHMAN, J

Date: 31.03.2021
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¹ (2014) 8 SCC 273