

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION Nos.10838 and 10847 OF 2022

COMMON ORDER:

The Criminal Petition No.10838 of 2022 is filed by Accused Nos. 1 to 3 and the Criminal Petition No.10847 of 2022 is filed by the Accused No. 4 with a prayer to quash the F.I.R.No.978 of 2022 of Dundigal police station, registered for the offences punishable under Sections 498-A and 323 IPC and Sections 3 and 4 of Dowry Prohibition Act. Thus these petitions are heard together and being disposed of by this common order.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State.

3. Learned counsel for the petitioners submits that the petitioners are innocent and they were falsely implicated in the case due to matrimonial discord. Further, as no averment of the complaint is referring to any demand of dowry by the petitioners or any over tact on the part or any incident attracting the offence punishable under Section 323 of IPC, continuance of proceedings against the petitioners would be abuse of the process of Court, hence prayed for quashment of the proceedings.

4. Learned Assistant Public Prosecutor opposed the petitions and submitted that the investigation is at initial stage and the preliminary proceedings are disclosing that the allegations in the police report are supported by verifiable material. Further, the first information statement need not disclose every detail and the truth or otherwise of the complaint can only be ascertained after the due investigation. That apart, the petitioners were also served with notice under Section 41-A Cr.P.C. Therefore, quashment of the proceedings at this stage may cause prejudice to the case of complainant.

5. Perused the materials on record. A bare reading of the police report is referring to the involvement of petitioners in physical and mental harassment of the victim and as rightly pointed out, the police report need not be with all the particulars. As the investigation is under way and the notices under Section 41-A Cr.P.C. were issued, I am not inclined to interfere with the proceedings. However, in the circumstances, the Investigating Agency is directed not to take any overbearing measures against the petitioners and if contingency arises, the police shall strictly observe the prescriptions of law and the

directives of the Hon'ble Apex Court in the dictum of “*Arnesb Kumar Vs. State of Bihar*¹”.

6. With this direction, these criminal petitions i.e., CRLP/10838 and CRLP/10847 of 2022 are disposed of.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

N. TUKARAMJI, J

Date: 07.12.2022
Prv

¹ 2014 8 SCC 273

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