

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION No.1331 OF 2020

ORDER:-

This petition is filed under Section 482 of Code of Criminal Procedure, 1973, seeking quash of F.I.R. in Cr. No.46 of 2019 of Women Police Station, Tirupathi, Tirupathi Urban, Chittoor District.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

3. The 1st petitioner is the husband of the 2nd respondent. The 2nd petitioner is the brother-in-law of the 1st petitioner. On the report lodged by the 2nd respondent, who is the de-facto complainant alleging that the petitioners and the family members of 1st petitioner have subjected her to cruelty by harassing her both physically and mentally by making unlawful demands of additional dowry, a case under Sections 498-A and 506 of IPC and under Sections 3 and 4 of Dowry Prohibition Act, 1961, was registered against petitioners and other accused in this case. The said case is now under the investigation by the police.

4. The petitioners now seek quashing of the F.I.R on the ground that the 1st petitioner, who is the husband of the 2nd respondent has been residing in Germany and the 2nd petitioner is residing in

Botswana and false allegations are made against them and they are falsely implicated in this case.

5. Learned counsel for the petitioners would submit that as the petitioners have been falsely implicated in this case by making false allegations, it amounts to abuse of process of law. Therefore, he prayed to quash the F.I.R.

6. However, a perusal of the contents of F.I.R shows that specific allegations are made against the petitioners, particularly against Accused No.1, who is her husband regarding the manner in which he has subjected the defacto complainant to harassment and cruelty by making unlawful demands for dowry. Similarly, the allegation against the 2nd petitioner is that he also insisted the 2nd respondent to satisfy the demands of Accused No.1 and his family members.

7. Whether these allegations are true or not, cannot be decided by this court in exercise of its inherent powers under Section 482 of Cr.P.C.

8. It is well settled law that when the contents of F.I.R disclose commission of a cognizable offence, normally this Court under Section 482 of Cr.P.C will not interfere to interdict the investigation. It is for the investigation officer to find out the truth or otherwise of the said

allegations during the course of investigation. If at all the charge sheet is filed, it is for the trial Court to decide the truth or otherwise of the allegations made against the petitioners, during the course of trial in the final adjudication of the said case. Therefore, this Court do not find any valid grounds for warranting interference of this Court, to quash the F.I.R.

9. Therefore, the petition is dismissed. However, as the punishment prescribed for the above said offences are less than seven (07) years, the investigation Officer shall follow the guidelines prescribed by the Honourable Apex Court in ***Arnesh Kumar vs. State of Bihar and Another*** and also the procedure contemplated under Section 41-A of Cr.P.C.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date : 10-03-2020
akn/rpd

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