
(2021) 06 TEL CK 0016

In the Telangana High Court

Case No : Criminal Petition No. 4406 Of 2021

Nausu Saikrishna And 2 Others

APPELLANT

Vs

State Of Telangana And Another

RESPONDENT

Date of Decision : 15-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41A
Indian Penal Code, 1860 — Section 34, 323, 498A
Dowry Prohibition Act, 1961 — Section 4

Citation : (2021) 06 TEL CK 0016

Hon'ble Judges : K. Lakshman, J

Bench : Single Bench

Advocate : Veera Babu

Final Decision : Disposed Of

Judgement

1. This petition is filed under Section 482 of Cr.P.C., seeking to quash the proceedings in Crime No.19 of 2021 on the file of Station House Officer,

Bibipet Kamareddy District. The petitioners are accused in the said crime. The offences alleged against the petitioners are under Sections 498-A, 323

r/w 34 IPC and Section 4 of Dowry Prohibition Act, 1961.

2. Heard Sri G.Veera Babu, learned counsel for the petitioners and learned Assistant Public Prosecutor appearing for 1st respondent.

3. A perusal of the complaint dt.10.04.2021 would reveal that the marriage of the 1st petitioner/husband and the 2nd respondent/wife was performed on 11.12.2019. According to the petitioners, the 2nd respondent left the company of the 1st petitioner on 10.02.2020 and she blessed with a son on 30.09.2020.

4. According to the learned counsel for the petitioners, despite making all efforts

by the 1st petitioner, 2nd respondent did not join the company of the 1st petitioner. It is further submitted that the 1st petitioner has also attended the counseling before the Sub-Divisional Police Officer, Kamareddy on 06.03.2021 and even on the said day also, the 2nd respondent refused to join the company of the 1st petitioner, and therefore the 1st petitioner filed FCOP.No.412 of 2021 before the Family Court, Ranga Reddy seeking dissolution of the marriage on the ground of cruelty.

5. Sri G.Veera Babu, learned counsel for petitioners on instructions would submit that even now the 1st petitioner is ready to take the 2nd respondent to his company.

6. Considering the said fact that there are matrimonial disputes between the 1st petitioner and the 2nd respondent and the fact that there are several factual aspects, which needs to be investigated by the Investigating Officer during the course of investigation in Crime No.19 of 2021 of P.S.Bibipet, Kamareddy District, the Criminal Petition is disposed of directing the Station House Officer, P.S. Bibipet, Kamareddy District, to strictly follow the procedure laid down under Section 41-A of Cr.P.C., and also the guidelines issued by the Apex Court in Arnesh Kumar v. State of Bihar and another (2014) 8 SCC 273. The Investigating Officer/Station House Officer is also directed not to arrest the petitioners till completion of investigation and filing of final report. The Investigating Officer/Station House Officer is further directed to take all necessary steps including the counseling for the purpose of inducing the parties to arrive at a settlement.

7. Miscellaneous petitions pending, if any, shall stand closed.