

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45028 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus to declare the action of 3rd respondent in registering the Crime No.302 of 2016 basing on the false complaint given by 4th respondent as illegal and arbitrary and consequently, to set aside the same.

The 4th respondent is the wife of the 1st petitioner and the other petitioners are his family members. The case of the petitioners is that on the complaint given by 4th respondent due to matrimonial disputes, the 3rd respondent registered a case in Crime No.302 of 2016 against the petitioners for the offence punishable under Section 498-A r/w 34 IPC and Sections 3 & 4 of Dowry Prohibition Act. It is the case of the petitioners that they are implicated falsely and without verifying the genuineness of the allegations in the complaint, the 3rd respondent is proceeding with the investigation.

The learned Assistant Government Pleader for Home submitted that since a complaint is lodged by the 4th respondent, the 3rd respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioners submits that the petitioners are ready to cooperate for the investigation, but, however, they are apprehending arrest and harassment in the hands of 3rd respondent-police.

Considering the facts and circumstances of the case, the 3rd respondent is directed to complete the investigation in Crime No.302 of 2016 without arresting the petitioners and file a final report, if any, in

accordance with law. The petitioners are directed to appear before the 3rd respondent-police as and when required during the course of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

23.12.2016.
Tsr

RAJA ELANGO,J



