

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37189 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to direct the 1st respondent to treat the complaint dated 4.9.2016 submitted by the 3rd respondent as statement under Section 162 Cr.P.C. in Crime No.940 of 2014 and submit supplementary report to the Court.

2. Heard and perused the material available on record.

3. It is stated in the affidavit that the 3rd respondent lodged a complaint against the petitioners before the 1st respondent and basing on the said complaint, a case in Crime No.940 of 2014 was registered against the petitioners for the offence under Sections 354 and 109 IPC and again on 4.9.2016, she lodged another complaint and basing on the said complaint, the 1st respondent registered FIR No.661 of 2016 for the offence under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. Both the complaints arise out of the matrimonial disputes and therefore, registration of separate crimes is illegal.

4. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, the 1st respondent is directed to club FIR No.940 of 2014 and FIR No.661 of 2016, complete the investigation and file a final report, in accordance with law, without arresting the petitioners. Further, it is made clear that if the investigation reveals that the cause of action in the earlier crime and the subsequent crime differs, the 1st respondent is at liberty to file separate charge sheets before the Court concerned.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 1st November, 2016
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Date: 1st November, 2016

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