

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42702 of 2016

ORDER:

This Writ Petition is filed by the petitioners seeking to declare the action of respondent No.2-Station House Officer, Women Police Station, Kurnool District, in registering F.I.R.No.91 of 2016, for the offences punishable under Sections 498-A and 323 read with 34 IPC and Section 4 of the Dowry Prohibition Act against the petitioners, as arbitrary and illegal and consequently, to set aside the same.

2. The facts of the case in brief are that the marriage of A.1 with *de facto* complainant was performed in the year 2015. At the time of marriage, on demand of A.1, an amount of Rs.3,50,000/- was given as dowry. After the marriage, the *de facto* complainant lived happily for about 20 days. Thereafter, A.1 to A.7 harassed her both physically and mentally to bring an amount of Rs.5.00 lakhs as additional dowry apart from other articles i.e., a car worth of Rs.15.00 lakhs, gold worth of 3 thulas etc. All the accused demanded her to resign job. On 13.10.2016, all the accused necked her out from the house by keeping all her belongings including gold ornaments. Hence, the complaint.

3. Heard and perused the material available on record.

4. Learned counsel for the petitioners submitted that the petitioners never harassed the *de facto* complainant demanding additional dowry; that there are no specific allegations against petitioners in the complaint; that the *de facto* complainant lived only for a few days with the A.1; that basing on the complaint of

the *de facto* complainant, the police are trying to arrest the petitioners.

5. The learned Assistant Government Pleader submits that on the basis of the complaint, a case was registered against the petitioners and the respondents are investigating into the matter in accordance with law.

6. The petitioners filed this writ petition challenging registration of the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

7. Accordingly, the Writ Petition is disposed of directing the 2nd respondent-Station House Officer, Women Police Station, Krunool District, to complete the investigation in the aforesaid crime and file a final report in accordance with law, without arresting the petitioners. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 08, 2016.
YVL

HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.42702 of 2016

Date:08.12.2016

YVL