

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45664 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the respondents in registering the case in Crime No.57 of 2016 on the file of the Women Police Station, Kurnool, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 498-A, 506 and 354(A) IPC and 3 & 4 of the Dowry Prohibition Act. The 1st petitioner is the husband, petitioners 2 and 3 are the parents-in-law and the petitioners 4 and 5 are the sisters-in-law of the de facto complainant. The allegations against the petitioners are that they harassed the de facto complainant physically and mentally demanding additional dowry.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and that the de facto complainant herself stated with the 1st petitioner that she is not interested in marrying him, and that the petitioners 4 and 5 are married sisters of the 1st petitioner and are living separately with their families and that with a view to harass the petitioners, she lodged the present complaint with all false allegations.

The learned Assistant Government Pleader submitted that on the basis of the complaint, the above case was registered against the petitioners, and the police concerned are investigating into the matter in accordance with law.

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

Accordingly, the 3rd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance before the investigating officer as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

December 27, 2016.
KTL

RAJA ELANGO, J

