

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43673 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering FIR No.113 of 2016, basing on the complaint of the 3rd respondent, as illegal and arbitrary, and consequently, set aside the same.

Heard and perused the material available on record.

The case in brief is that the de facto complainant –3rd respondent is the wife of the 1st petitioner and the other petitioners are the family members of the 1st petitioner. The marriage between the 3rd respondent and the 1st petitioner was performed in the year 2007. The 3rd respondent lodged the above complaint before the 2nd respondent alleging that the petitioners are harassing her physically and mentally and ill-treated her by demanding additional dowry.

Learned counsel for the petitioners submitted that the petitioners never harassed the 3rd respondent demanding additional dowry, and with false allegations, she made the present complaint with a view to harass the petitioners.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a 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 the 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 facts and circumstances of the case, and since the issue arises out of matrimonial dispute, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd 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 appearance before the investigating officer as and when required for the purpose of investigation.

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

December 16, 2016.
KTL

RAJA ELANGO, J



