

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42733 of 2016

ORDER:

This Writ Petition is filed by the petitioners seeking to declare the action of respondent No.3-Station House Officer, Gangireddipalle Police Station, YSR Kadapa District, in registering in Crime No.70 of 2016, for the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, as arbitrary and illegal and consequently, direct the respondents not to arrest the petitioners in connection with registration of aforesaid crime.

2. The facts of the case in brief are that the marriage of the 1st petitioner with the 4th respondent was performed on 04.02.2016 and few days thereafter, the petitioners started harassing the 4th respondent both physically and mentally for additional dowry and necked her out from the matrimonial house. Subsequently, the 1st petitioner filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. After receiving the notice in the said case, the 4th respondent lodged the present complaint.

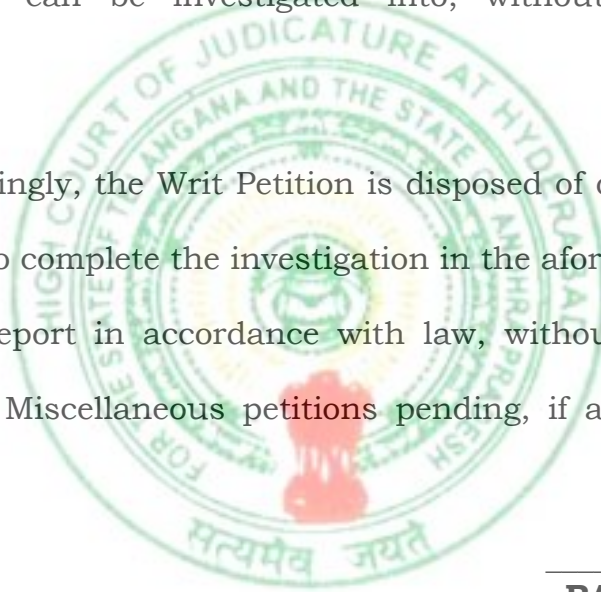
3. Heard and perused the material available on record.

4. Learned counsel for the petitioners submitted that the petitioners never harassed the 4th respondent demanding additional dowry; that there are no specific allegations against petitioners in the complaint; that the 4th respondent lived only for a few days with the 1st petitioner; that basing on the complaint of the 4th respondent, 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 3rd respondent 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.
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Date:08.12.2016

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