

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37837 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in registering Crime No.83 of 2016 for the offence under Sections 420 and 498-A IPC and 3 & 4 of the Dowry Prohibition Act, against the petitioners, as illegal and arbitrary.

The case in brief is that the de facto complainant –4th respondent is the wife of the 1st petitioner. She made a complaint before the 3rd respondent that the petitioners are harassing her physically and mentally, by demanding additional dowry.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners never harassed the 4th respondent demanding additional dowry, and that the 1st petitioner and the 4th respondent are residing at Hyderabad and the parents of the 1st petitioner i.e. petitioners 2 and 3 are living at Vijayawada and his sister i.e. 4th petitioner is residing along with her husband at Vijaywada.

The learned Assistant Government Pleader submitted 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.

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 arrest of the petitioners would

cause prejudice in case of future settlement between the parties and therefore, the above crime can be investigated into, without arresting the petitioners.

Accordingly, respondents Nos.2 and 3 are 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, as and when required, and cooperate with the investigation.

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

November 04, 2016.
KTL



RAJA ELANGO, J

