

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46099 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in implicating the petitioners in Crime No.152 of 2016 on the file of I-Polavaram Police Station, East Godavari District, as illegal and arbitrary.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 417, 420, 313 and 376(2) r/ w.34 IPC and 3 of Dowry Prohibition Act. The 4th respondent – de facto complainant lodged a complaint before the 3rd respondent alleging that the elder son of the 3rd petitioner, who is brother of the petitioners 1 and 2 (A1), had sexual relationship with her by saying deceitful words that he would marry her and went abroad, and when she informed him about her pregnancy, he got aborted her pregnancy by sending tablets through the petitioners 1 and 2 and after his return to India, he continued his relationship with the 4th respondent and when she asked about marriage, the petitioners and A1 demanded dowry and did not agree for marriage.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and that they are no way concerned with the relationship between the 4th respondent and A1 and that they never asked the 4th respondent to give dowry, but since they are brothers and mother of A1, the police implicated them in the present case and harassing them.

The learned Assistant Government Pleader submitted that on the basis of the complaint, the above case was registered against the petitioners and another, 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, without expressing any opinion on merits, 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 either way, 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 concerned, 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.

RAJA ELANGO, J

December 29, 2016.
KTL

