

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37825 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering Crime No.441 of 2016 for the offence under Sections 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 –3rd respondent is the daughter-in-law of the petitioners 1 and 2 and the other petitioners are their family members. The 3rd respondent made a complaint before the 2nd respondent alleging that the petitioners are harassing her physically and mentally and ill-treated her by demanding additional dowry.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners never harassed the 3rd respondent demanding additional dowry, that the 3rd respondent and her husband are living separately, that the petitioners are no way concerned with the affairs between the 3rd respondent and her husband, and that basing on the complaint of the 3rd respondent, the police are trying to arrest the petitioners.

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.

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 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, 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, 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

