

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43953 of 2016

ORDER:

This writ petition is filed seeking to declare the action of the 2nd respondent in calling upon the petitioners to the police station without registering any FIR on the complaint alleged to have made by the 3rd respondent, as illegal and arbitrary and consequently direct the 2nd respondent not to call upon the petitioner to the police station without registering any FIR and if the 2nd respondent registers any FIR on the complaint made by the 3rd respondent, direct the 2nd respondent to issue notice under Section 41-A Cr.P.C.

Heard and perused the material available on record.

The case of the petitioners is that the marriage between the 3rd respondent and 1st petitioner was performed on 12.03.2009 and at the time of marriage, there were no formalities of exchange of dowry and since from the date of marriage, the 3rd respondent ill-treated the 1st petitioner and insulted him proclaiming that she had no interest to marry him and she married only on the pressures exercised by her parents on her and behaved abnormally and that the 3rd respondent deserted the 1st petitioner and staying with her parents. The main grievance of the petitioners is that the 2nd respondent is calling the petitioners to the police station by stating that the 3rd respondent had lodged a complaint against the petitioners and several times, the 2nd respondent calling the petitioners to the police station and made them sit in the police station and that the 2nd respondent is threatening the petitioners to abide the demands made by the 3rd respondent.

Considering the grievance of the petitioners, the 2nd respondent is directed not to interfere with the affairs of the petitioners and the 3rd respondent, more particularly, in the family disputes pending between the 1st petitioner and the 3rd respondent. However, if any complaint is lodged by the 3rd respondent against the petitioners, then it is left open to the 2nd respondent to register the same, if there is any cognizable offence and investigate the same, in accordance with law, by issuing notices under Section 41-A Cr.P.C. to the petitioners.

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

Date: 16th December, 2016

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RAJA ELANGO, J