

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.11809 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in FIR No.231 of 2015 of Tada Police Station, SPSR Nellore District, registered for the offences punishable under Sections 498-A I.P.C and Sections 3 and 4 of Dowry Prohibition Act.

The second respondent herein lodged a complaint against the petitioners /A.1 to A.6 on 18.11.2015 alleging the offences punishable under Sections 498-A I.P.C and Sections 3 and 4 of Dowry Prohibition Act. Based on the said complaint, the police, Tada Police Station, registered a crime in F.I.R.No.231 of 2015. Subsequently, the petitioners approached this Court and filed CrI.P.No.13765 of 2015 seeking anticipatory bail. This Court, by order dated 31.12.2015, granted bail to the petitioners on certain terms. While the things stood thus, on 16.07.2016, the Investigating Officer has filed a memo before the Jurisdictional Magistrate requesting for addition of Section 3(1)(r) (s) of SC, ST POA Amendment Act, 2015. Though the petitioners were granted anticipatory bail, in view of said memo, the police are calling them to the police station. Therefore, apprehending that they may be arrested in connection with the said crime, the petitioners filed this Criminal Petition.

Heard the learned counsel appearing for the petitioner/A.1 to A.6 and the learned Additional Public Prosecutor, representing the State.

Specific allegations were made against the petitioners in the complaint. This is a matter which requires investigation by the police. The truth or otherwise of the allegations can only be decided during course of investigation or trial. I see no ground to interdict the investigation at this stage and quash the first information report.

In the facts and circumstances of the case, the Criminal Petition is disposed of, directing the investigating agency to proceed with the

investigation, however, without arresting the petitioners/accused in the above crime even though the Section of Law is altered to the one under Section 3(1)(r)(s) of SC, ST POA Amendment Act, 2015, till the investigation is completed and the charge sheet is filed. The petitioners/accused shall appear before the investigating agency as and when required during course of investigation.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 11.08.2016

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