

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35533 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioner to declare the action of the 2nd respondent – Station House Officer, Ramachandrapuram Police Station, East Godavari District, in registering FIR No.113 of 2016 against the petitioner for the offences under Sections 498-A and 506 IPC and 3 & 4 of the Dowry Prohibition Act, as arbitrary and illegal, and consequently, quash the same.

The petitioner is the husband of the 3rd respondent. Their marriage took place in 2011 and they lived happily for some time. Subsequently, the petitioner started harassing the 3rd respondent demanding additional dowry and started abusing her in filthy language by consuming liquor and sent her out from the matrimonial house. Therefore, the 3rd respondent filed the above case.

Learned counsel for the petitioner submitted that due to the cruel behaviour of the 3rd respondent, the petitioner set up a separate family and thereafter also, the 3rd respondent did not change her behaviour and deserted the company of the petitioner and therefore, after issuing notice to her, the petitioner filed divorce petition seeking divorce on the ground of cruelty and after filing of the divorce petition, the present complaint is filed with a view to harass the petitioner, and that the 2nd respondent without investigating into the matter, registered the above crime. He further submitted that since the petitioner is a government employee, he may lose his job in case of his arrest, and that he is ready to cooperate with the investigation.

Considering the grievance of the petitioner and since the matter arises out of matrimonial dispute, without expressing any opinion on merits, this Court is inclined to pass the following order:

The 2nd respondent is directed to complete the investigation in Crime No.113 of 2016 of Ramachandrapuram Police Station, East Godavari District, and file a final report in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer as and when required, for the purpose of investigation.

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

October 21, 2016.
KTL



RAJA ELANGO, J

