

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44304 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare registration of FIR No.115 of 2016 on the file of the Manopad Police Station, Mahaboobnagar District, as illegal and arbitrary, and consequently, and set aside the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 498-A IPC and 3 & 4 of the Dowry Prohibition Act. The case in brief is that the de facto complainant – 3rd respondent lodged a complaint before the 2nd respondent alleging that he performed his 3rd daughter's marriage with the brother of the petitioner in the year 2009 and since the brother of the petitioner harassed his daughter, they were separated two times and with the intervention of elders, they rejoined and are living together. While so, on 16.08.2016, the brother of the petitioner telephoned to the de facto complainant and intimated that his daughter consumed poison and was shifted to the hospital. The de facto complainant went to the hospital and his daughter could not able to speak with him since her condition is serious.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and there are no specific allegations against him and that he is no way concerned with the affairs between his brother and the daughter of the de facto complainant and he is living separately along with his family at Hyderabad.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and others and the police concerned are investigating into the matter in accordance with law.

The petitioner 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 circumstances of the case, without expressing any opinion on merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

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 petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his future appearance before the investigating officer 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 20, 2016.
KTL

