

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44445 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus declaring the action of the 4th respondent in registering F.I.R. No.122 of 2016 against the petitioners as arbitrary and illegal.

The first petitioner is the husband of 5th respondent and the other petitioners are his family members. Due to the family disputes, on the complaint lodged by 5th respondent, the 4th respondent registered a case against the petitioners herein in Crime No.122 of 2016 for the offence punishable under Section 498-A IPC and Section 4 of Dowry Prohibition Act. The grievance of the petitioners is that all the allegations levelled by the 5th respondent are false and the 4th respondent without ascertaining the genuineness of the same, registered the F.I.R. and proceeding with the investigation and trying to arrest the petitioners.

The learned Assistant Government Pleader for Home submitted that since a complaint is lodged by the 5th respondent, the 4th respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioners submits that the petitioners are ready to cooperate with the investigation, but, however, they are apprehending arrest and harassment in the hands of 4th respondent-police.

Considering the facts and circumstances of the case, the 4th respondent is directed to complete the investigation in Crime No.122 of 2016 without arresting the petitioners and file a final report, if any, in accordance with law. The petitioners are directed to appear before the

4th respondent-police as and when required during the course of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

20.12.2016.

Tsr



