

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44985 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in registering Crime No.237 of 2016, against them as illegal and arbitrary, and consequently, quash the proceedings in the above crime.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 498-A, 354, 420, 406, 407, 509 and 120-B IPC and 3 & 4 of the Dowry Prohibition Act. The 4th respondent is the wife of the 1st petitioner. She made a private complaint against the petitioners alleging that the petitioners harassed her physically and mentally demanding additional dowry.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and the 1st petitioner lodged a complaint against the 4th respondent and her family members, as the 4th respondent got married him by suppressing her caste, and the same was numbered as Crime No.240 of 2015 and he also filed OP before the Family Court, Ranga Reddy District, for divorce and as a counter blast to the above cases, she filed the present compliant with all false allegations with a view to harass the petitioners.

Learned Assistant Government Pleader for Home submitted that basing on the complaint of the de facto complaint, the above crime is registered against the petitioners and the police concerned are investigating into the matter.

Considering the circumstances of the case, and the grievance of the petitioners, without expressing any opinion on merits, this Court is of the view that the above case can be investigated into without arresting the petitioners.

Accordingly, the 3rd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance before the investigating officer concerned, 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.

December 23, 2016.
KTL

RAJA ELANGO, J

