

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40125 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to Crime No.268 of 2016 on the file of Tadepalligudem Police Station, West Godavari District, for the offences under Sections 498-A and 506 IPC and 3 & 4 of the Dowry Prohibition Act, against the petitioners, and consequently, set aside the same.

The de facto complainant – 3rd respondent is the wife of the 1st petitioner. The petitioners 2 and 3 are the parents and the 4th petitioner is the sister of 1st petitioner. The 3rd respondent lodged a complaint before the 2nd respondent alleging that the petitioners are harassing her physically and mentally and ill-treated her by demanding additional dowry.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners never harassed the 3rd respondent demanding additional dowry, that in fact, the 3rd respondent herself left the company of the 1st petitioner, and the 1st petitioner left India for his job purpose on behalf of the company at United Kingdom, and since the 3rd respondent did not join him, he filed OP No.943 of 2016 before the Family Court, Miyapur, seeking divorce, through his GPA holder, and subsequent to filing of the said OP, the 3rd respondent lodged the present complaint with false allegations, with a view to harass the petitioners.

The learned Assistant Government Pleader for Home submitted that on the basis of the complaint, a case was registered against the

petitioners, and the respondents are investigating into the matter in accordance with law.

The petitioners filed this writ petition challenging 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 facts and circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

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 petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum each for their appearance before the investigating officer as and when required, for the purpose of investigation.

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

RAJA ELANGO, J

November 21, 2016.
KTL

