

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39511 OF 2016

ORDER:

This writ petition is filed under Article 226 of the constitution of India seeking to declare the action of respondent No.3 in registering F.I.R.No.82 of 2016 on the file of Dagadarthi Police Station, Sri Potti Sri Ramulu Nellore District as illegal and arbitrary and consequently, to direct respondent Nos.2 and 3 to drop investigation in the said F.I.R.

2. Heard and perused the material available on record.

3. Case of the petitioners is that the *de facto* complainant filed a false complaint against them before respondent No.3 and the same was registered as the aforementioned case for the offences punishable under Section 498-A I.P.C., Sections 3 and 4 of the Dowry Prohibition Act, 1961 and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; that the complaint does not contain any incriminating material; that they never did any criminal activities and respondent No.3 is trying to arrest them without following the due process of law.

4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioners and respondent No.3 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on

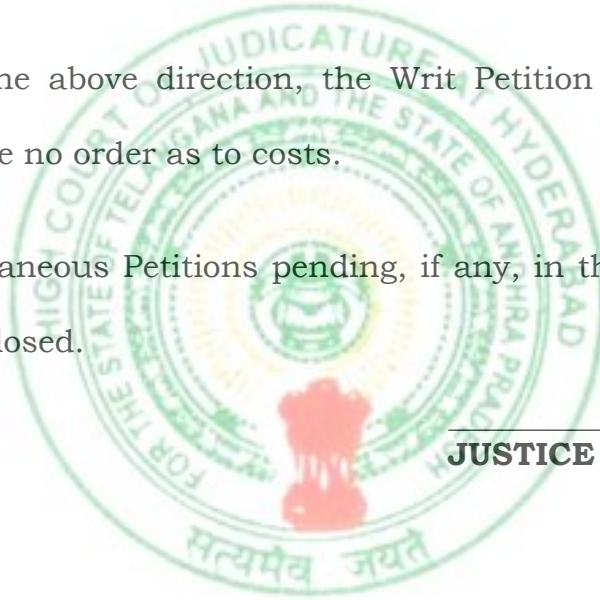
merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioners. However, the petitioners shall appear before the investigating officer as and when required for the purpose of investigation. In case any charge sheet is filed and summons are received by the petitioners, they shall appear before the Court concerned and execute a 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.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

16.11.2016
AMD

JUSTICE RAJA ELANGO



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.39511 OF 2016

Date: 16.11.2016

AMD