

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40613 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the initiation of the criminal proceedings in crime No.149 of 2015 on the file of the fourth respondent for the offences under Sections 498-A, 343 and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

The petitioners approached this Court by invoking Section 482 of the Code of Criminal Procedure (CrPC) being Criminal Petition No.12687 of 2016 seeking to quash the proceedings in crime No.149 of 2015 and that when the matter was taken for hearing by this Court on 31.10.2016, learned Public Prosecutor informed that the investigation was completed and charge sheet was filed and as such, this Court dismissed the criminal petition recording the said submission.

Learned counsel for the petitioners submits that though the charge sheet is not filed in the said crime, the learned Public Prosecutor wrongly submitted before the Court that the charge sheet is filed and as such, the criminal petition is dismissed recording the said submission. Hence, he seeks to quash the proceedings in crime No.149 of 2015 on the file of the fourth respondent, by invoking Article 226 of the Constitution of India.

This Court is of the view if the petitioners are aggrieved by the dismissal of the criminal petition and if it is known to the petitioners subsequently that no charge sheet is filed, the petitioners can prefer another criminal petition as there is no bar under Section 482 of the CrPC., for filing another criminal petition. Hence, the petitioners are at liberty to file criminal petition by invoking Section 482 CrPC seeking appropriate relief.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

23.11.2016
pln