

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36135 of 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the second respondent in registering F.I.R.No.23 of 2016 for the offences under Sections 498-A, 354-C, 352, 342, 506 IPC read with Sections 3 and 4 of the Dowry Prohibition Act without conducting counselling as illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the second petitioner is aged about 55 years and the third petitioner, being a lady is aged about 45 years and that there is an apprehension of arrest of the petitioners 2 and 3 and that they may be detained in the guise of investigation, as such, he prays this Court to direct the second respondent not to arrest the petitioners 2 and 3.

Learned Assistant Government Pleader for Home (Andhra Pradesh) produced before this Court the written instructions by the Deputy Superintendent of Police, CID, WPS., Hyderabad. The written instructions clearly reveals that they are not intending to arrest the petitioners 2 and 3 and they are aware of the procedure established in Code of Criminal Procedure. It also reveals that the first petitioner has already appeared before the investigating agency twice in pursuance of the notice issued to him.

Considering the facts and circumstances of the case, the second respondent is directed to complete the investigation without arresting the petitioners 2 and 3 and file final report, if any, in accordance with

law. The petitioners 2 and 3 are also directed to appear before the second respondent, every Monday for a period of four weeks for the purpose of investigation.

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

JUSTICE RAJA ELANGO

26.10.2016
pln

