

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44662 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus declaring the action of the 5th respondent in registering Crime No.212 of 2016 against the petitioners as arbitrary and illegal.

The first petitioner is the husband of 6th respondent and the other petitioners are his family members. Due to the matrimonial disputes, on the complaint lodged by 6th respondent, the 5th respondent registered a case against the petitioners herein in Crime No.212 of 2016 for the offence punishable under Section 498-A r/w 34 IPC. The grievance of the petitioners is that all the allegations levelled by the 6th respondent are false and the 5th respondent without ascertaining the genuineness of the same, registered the Crime and proceeding with the investigation and trying to arrest the petitioners.

The learned Assistant Government Pleader for Home submitted that since a complaint is lodged by the 6th respondent, the 5th respondent registered the present Crime in accordance with law.

Now, the learned counsel for the petitioners submits that the petitioners are ready to cooperate with the investigation, but, however, they are apprehending arrest and harassment in the hands of 5th respondent-police.

Considering the facts and circumstances of the case, the 5th respondent is directed to complete the investigation in Crime No.212 of 2016 without arresting the petitioners and file a final report, if any, in accordance with law. The petitioners are directed to appear before the

5th respondent-police and each of them shall execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for their future appearance as and when required for the purpose of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

21.12.2016.
Tsr

RAJA ELANGO,J



