

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46081 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in registering FIR No.158 of 2016 on the file of Gokavaram Police Station, Rajahmundry Urban, West Godavari District, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 498-A and 307 r/w.34 IPC. The 4th respondent –de facto complainant is the wife of the 1st petitioner and she filed a complaint before the 3rd respondent alleging that the petitioners are harassing her physically and mentally demanding additional dowry.

Learned counsel for the petitioners submitted that the marriage between the 1st petitioner and the 4th respondent is a love marriage, and therefore, there is no question of demanding dowry and that after marriage, the 1st petitioner took the 4th respondent to his house at his native village, and the 4th respondent did not like the village atmosphere and demanded the 1st petitioner to set up a separate family in the Gokavaram town, for which the 1st petitioner did not agree and therefore, she filed the present complaint with all false allegations.

The learned Assistant Government Pleader submitted that on the basis of the complaint, the above case was registered against the petitioners, and the police concerned 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 circumstances of the case, and the grievance of the petitioners, without expressing any opinion on merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 3rd respondent is directed to complete the investigation and file a final report in the above Crime in either way, 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) each with one surety for the like sum each for their future appearance before the investigating officer concerned, as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 29, 2016.
KTL

