

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45753 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the proceedings against them in FIR No.167 of 2016 on the file of Akividu Police Station, 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 506 IPC. The case in brief is that the son of the petitioners i.e. A1 is the son-in-law of the de facto complainant and due to the harassment made by the petitioners and A1 demanding additional dowry, the daughter of the de facto complainant left her matrimonial home and is living with her parents along with her children. A1 came to the de facto complainant's house and demanded to send the children along with him and when the de facto complainant asked him to take his daughter also, A1 abused them in filthy language and attacked them with a knife and caused bleeding injuries to the de facto complainant and his brother and threatened them to kill.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and that the main allegations are against A1 only, and A1 was already arrested and remanded to judicial custody, and that the petitioners never demanded any additional dowry from the de facto complainant and with a view to harass them, the present case is filed.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners and another, and the police concerned are investigating into the matter in accordance with law.

The petitioners filed this writ petition challenging the 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, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, 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 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 27, 2016.
KTL

