

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 3612 of 2016

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ORDER:

The prayer of the petitioner in this case is as under:

“Hon'ble Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 in not taking any action on the averments made in the complaint dated 27.01.2016 under Sections 498A, 420, 299, 406, 313, 506 R/W 34 IPC and Sec.3 and 4 of D.P.Act as illegal, arbitrary, unconstitutional and pass such other relief as this Hon'ble court may deem fit and proper in the circumstances of the case.”

2. Written instructions dated 15.03.2016 were furnished by the Inspector of Police, Humayun Nagar Police Station, Hyderabad, wherein he admitted that the petitioner had lodged a complaint on 27.01.2016 alleging that offences had been committed under Sections 498A, 420, 299, 406, 313 and 506 r/w 34 IPC apart from Sections 3 and 4 of the Dowry Prohibition Act, 1961. However, Crime No.19 of 2016 was registered on the file of Humayun Nagar Police Station only under Sections 498-A and 323 IPC along with Sections 3 and 4 of the Dowry Prohibition Act. Investigation was stated to have been taken up and seven witnesses, including the petitioner/complainant, were examined and their detailed statements were recorded. The Inspector further stated that a *prima facie* case was established against A1, A2, A3 and A4 as regards the offences mentioned in the FIR. The investigation was stated to be pending for want of some more witnesses and collection of evidence. The Inspector concluded by stating that if, during the investigation, any information was gathered attracting the ingredients for Sections 420, 299, 406, 313 and 506 r/w 34 IPC, the said provisions would also be added to the existing provisions in the FIR.

3. In the light of the afore-stated stand of the police authorities and as they are mindful of the fact that these provisions have to be added in the FIR/Charge sheet, if a cause is made out therefor, no adjudication is warranted on merits at this stage.

The Writ Petition is accordingly closed. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

April 18, 2016

Lmv