

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41884 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 2nd respondent in registering Crime No.395 of 2016 against the petitioners as arbitrary and illegal.

First petitioner is the husband of 3rd respondent herein and the other petitioners are his family members. On the complaint given by 3rd respondent on 25.6.2016, the 2nd respondent registered a case against the petitioners herein for the offences punishable under Sections 498-A, 406, 506 IPC and Sections 4 & 6 of Dowry Prohibition Act. The grievance of the petitioners is that all the allegations levelled by the 3rd respondent are false and the 2nd respondent without ascertaining the same, registered the crime and proceeding with the investigation.

The learned Additional Government Pleader for Home submitted that since a complaint is lodged by the 3rd respondent, the 2nd respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioners submits that the petitioners are ready to cooperate for the investigation, but, however, they are apprehending arrest and harassment in the hands of 2nd respondent-police.

Considering the facts and circumstances of the case, the 2nd respondent is directed to complete the investigation in Crime No.395 of 2016 without arresting the petitioners and file a final report, if any, in accordance with law. The petitioners 2 to 4 are directed to appear before

the 2nd respondent-police as and when required during the course of investigation.

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

Pending Miscellaneous Petitions, if any, shall stand closed.

01.12.2016.
Tsr

RAJA ELANGO,J



