

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43487 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 2nd respondent in threatening to arrest the petitioners in an unregistered crime basing on the complaint given by the 3rd respondent for the offence under Section 498-A IPC, as illegal and arbitrary and consequently direct the 3rd respondent not to arrest the petitioners.

Heard and perused the material available on record.

The grievance of the petitioners is that the 2nd respondent is harassing the petitioners by making phone calls and tried to arrest them on the ground that a complaint made by the wife of the 1st petitioner for the offence under Section 498-A IPC, without following the due process of law and without there being any case registered against them.

Considering the facts and circumstances of the case and the grievance of the petitioners, this Court is inclined to pass the following order:

The Station House Officer, Women Police Station, Tirupathi - 2nd respondent, is directed not to harass the petitioners and not to call them to the police station without there being any case registered against them, and if any case is registered against the petitioners on the basis of the complaint lodged by the 3rd respondent, the police are directed to complete the investigation in accordance with law and file final report, if any, without arresting the petitioners.

Accordingly, the writ petition is disposed of. No order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

December 15, 2016.
KTL

