

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45947 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call the records pertaining to FIR No.88 of 2016 on the file of the Women Police Station, Kurnool, Kurnool District, and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 498-A r/w.34 IPC and 4 of the Dowry Prohibition Act. The de facto complainant is the wife of the elder son of 1<sup>st</sup> petitioner and the other petitioners are the other sons of the 1<sup>st</sup> petitioner. The allegations against the petitioners are that they, along with the husband of the de facto complainant, harassed the de facto complainant physically and mentally demanding additional dowry.

Learned counsel for the petitioners submitted that the petitioners never harassed the de facto complainant demanding additional dowry, and that the 1<sup>st</sup> petitioner is aged about 76 years and due to ill-health, she is confined to bed and the other petitioners are nothing to do with the affairs between the de facto complainant and her husband.

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 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 going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2<sup>nd</sup> 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 a 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 28, 2016.  
KTL

