

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39354 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the second respondent in registering F.I.R.No.314 of 2016 for the offences under Sections 323 read with 506 IPC and 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that though the complaint does not disclose any ingredients of Sections 323 read with 506 IPC and Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, the second respondent in a casual manner registered the complaint and as such, he prays this Court to quash the same.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners. However, taking into consideration the fact that the case is arising out of family disputes, the second respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the likesum each for their future appearance for the purpose of investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

15.11.2016
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