

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37429 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the respondents in registering Crime No.788 of 2016 on the file of KPHB Colony Police Station, Cyberabad, Hyderabad against the petitioners for the offences under Sections 494 and 506 r/w.34 IPC, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The case in brief is that the de facto complainant –3rd respondent is the wife of the son of the 1st petitioner. Due to some disputes, the 3rd respondent left her in law's place and their marriage was dissolved by a decree of divorce, in the year 2008.

The grievance of the petitioners is that nearly after ten years of obtaining divorce, the 3rd respondent lodged the present complaint against the petitioners, who relatives of the husband of the 3rd respondent and that the police without enquiring into the matter, trying to arrest them.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners, and the respondents are investigating into the matter in accordance with law.

Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, and since the issue arises out of matrimonial

dispute, the above crime can be investigated into, without arresting the petitioners.

Accordingly, 2nd 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, as and when required, and cooperate with the investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

November 02, 2016.
KTL



RAJA ELANGO, J

