

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44811 of 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking to declare the action of the 6th respondent in registering the case against petitioners in Crime No.784 of 2016 of Jubilee Hills Police Station, Hyderabad, for the offences under Sections 448, 323 and 324 r/ w.34 IPC, and the wrongful detention of the 3rd petitioner, as illegal and arbitrary and consequently, set aside the proceedings in the above crime.

Heard and perused the material available on record.

The brief facts of the case are that on receipt of Telugu written statement of the 7th respondent, who is the mother-in-law of the 1st petitioner, alleging that the 1st petitioner, along with her mother and other family members came to her house and abused her in filthy language and beat her with hands and in meantime, the 3rd respondent came with mop stick and beat on her head, due to which she received bleeding head injury and immediately shifted to Global Hospital for treatment, the above crime was registered in the Jubilee Hills Police Station, Hyderabad.

Learned counsel for the petitioners submitted that there were disputes between the 1st petitioner and her husband and that at the instigation of his mother (7th respondent) and sister, the husband of the 1st petitioner harassed her mentally and physically and all of them harassed her demanding additional dowry, and therefore, the 1st petitioner went to her parents house and filed criminal cases against her husband and his family members.

The petitioners filed the present writ petition challenging investigation in the above crime. This Court is not inclined to interfere with the investigation. However, considering 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 case can be investigated into without arresting the petitioners.

Hence, the investigating officer concerned is directed to complete investigation in the above crime, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute 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 as and when required for the purpose of investigation.

Learned counsel for the petitioners submitted that though she added the Sub-Inspector of Police and the Inspector of Police, Jubilee Hills Police Station, Hyderabad, as respondents 8 and 9, she is withdrawing the writ petition against them including the allegations made against them.

Recording the above said submission, the writ petition is dismissed as withdrawn against the respondents 7 and 8.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 22, 2016.
KTL