

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42389 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering FIR No.224 of 2016 on the file of Women Police Station, Saroornagar, Rachakonda, Panga Reddy District, against the petitioners – accused Nos.2 to 6 registered for the offences under Sections 498-A and 324 IPC and 3 & 4 of the Dowry Prohibition Act, basing on the complaint of the 3rd respondent, as illegal and arbitrary.

The case in brief is that the de facto complainant – 3rd respondent is the wife one A. Lakshmipathi – accused No.1. Their marriage was performed 25 years ago. The petitioners are the family members of A1. The 3rd respondent lodged a complaint against the petitioners and A1 alleging that they harassed her demanding additional dowry and beat her indiscriminately with sickle, sticks and hands and with legs, due to which she received grievous injuries.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners never harassed the 3rd respondent demanding additional dowry, that there are no specific allegations against them and the allegations mainly against A1 only, and that basing on the complaint of the 3rd respondent, the police are trying to arrest the petitioners.

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.

The petitioners filed this writ petition challenging the 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 facts and circumstances of the case, 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 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 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 as and when required for the purpose of investigation.

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 06, 2016.
KTL

