

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42205 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to quash the proceedings against them in FIR No.102 of 2016 on the file of the 2nd respondent.
2. Heard and perused the material available on record.
3. The above crime was registered for the offence under Sections 498-A IPC r/w 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act. Taking into consideration the allegations made in the complaint, this Court is not inclined to interfere with the investigation.
4. Even though a counter was filed by the 3rd respondent alleging that the petitioners assaulted her, but the counter discloses that the occurrence took place in the month of October, 2016 whereas the present complaint was lodged in the month of November, 2016. Considering the said delay, this Court is of the view that there is no necessity of arrest of the petitioners in this case. Apart from that, the arrest of the petitioners would cause prejudice, in case of future settlement between the parties. Therefore, the official respondents are directed to complete the investigation and file a final report, in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the Station House Officer concerned as and when required and they are also directed to execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety each for the like sum each to the satisfaction of the Station House Officer concerned, as surety for their future appearance as and when required.

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

RAJA ELANGO, J

Date: 5th December, 2016
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Date: 5th December, 2016

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