

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40160 of 2016

ORDER:

The present writ petition is filed seeking to declare the action of the 2nd respondent in registering Crime No.120 of 2016 on the file Nandivargam Police Station, Kurnool District, for the offences under Sections 498-A IPC and 3 & 4 of the Dowry Prohibition Act, against the petitioners, and consequently, set aside the same.

The de facto complainant – 3rd respondent is the wife of the 1st petitioner. The petitioners 2 and 3 are the parents and the 4th petitioner is the brother of 1st petitioner. The 3rd respondent lodged a complaint before the 2nd respondent alleging that the petitioners are harassing her physically and mentally and ill-treated her by demanding additional dowry.

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 in fact, from the date of marriage, the 3rd respondent started quarrelling with the 1st petitioner and demanded him to set up a separate family, and as he did not hear her words, she left the matrimonial house, and therefore, the 1st petitioner filed OP before the Family Court, Ranga Reddy District, under Section 9 of Hindu Marriage Act, and subsequent filing of the OP, the present complaint is lodged by the de facto complainant.

The learned Assistant Government Pleader for Home 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 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, 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) with one surety for the like sum each for their appearance before the investigating officer as and when required, for the purpose of investigation.

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

RAJA ELANGO, J

November 21, 2016.
KTL

