

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37395 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 4th respondent in registering Crime No.488 of 2016 against the petitioners for the offences under Sections 498-A, 406, 420, 506 and 313 r/w.34 IPC and 3 & 4 of the Dowry Prohibition Act, as illegal and arbitrary and consequently, quash the same.

The case in brief is that the de facto complainant –5th respondent is the wife of the 1st petitioner. She made a complaint before the 4th respondent that the petitioners are harassing her physically and mentally, by demanding additional dowry.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners never harassed the 5th respondent demanding additional dowry and that the present complaint is registered on the basis of the reference made by the Magistrate under Section 156 (3) Cr.P.C.

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, this Court is of the view that arrest of the petitioners would cause prejudice in case of future settlement between the parties and

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

Accordingly, respondents Nos.2 to 4 are 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.

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

November 02, 2016.
KTL



RAJA ELANGO, J

