

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43489 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to Crime No.228 of 2016 on the file of Nirmal Town Police Station, Adilabad District, for the offences under Sections 498-A, 290, 323 and 506 r/w.34 IPC and 4 of the Dowry Prohibition Act, against the petitioners, as illegal and arbitrary, and consequently set aside the same.

The case in brief is that the de facto complainant –4th respondent is the wife of the 1st petitioner and the other petitioners are the family members of the 1st petitioner. The marriage between the 4th respondent and the 1st petitioner was performed in the year 1992. The 4th respondent made the above complaint before the 3rd 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 4th respondent demanding additional dowry, that she herself left the matrimonial house 23 years back and she is living in Nirmal, and that the petitioners are residing in Hyderabad, and with false allegations, she made the present complaint with a view to harass 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, and since the issue arises out of matrimonial dispute, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 3rd 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 appearance before the investigating officer 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 15, 2016.
KTL

