

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39705 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the respondents in registering FIR No.664 of 2016 on the file of Penamaluru Police Station, Vijayawada, as arbitrary and illegal, and consequently, quash the same.

Heard and perused the material available on record.

The de facto complainant lodged a complaint before the 2nd respondent stating that he performed his daughter's marriage with the son of the 1st petitioner. The 2nd petitioner is another son and the 4th petitioner is the daughter of the 1st petitioner. The 3rd petitioner is wife of 2nd petitioner. It is further stated in the complaint that the son-in-law (A1) of the de facto complainant, at the instigation of the petitioners, used to harass his daughter mentally and physically by demanding additional dowry and killed her by suspecting her character.

Learned counsel for the petitioners submitted that the petitioners are no way concerned with the affairs of the deceased and A1; that after 16 years of marriage, disputes arose between them; that A1 was already arrested and is in judicial custody, and only with a view to harass the petitioners, they are implicated in the case.

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 17, 2016.
KTL