

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40304 of 2016

ORDER:

The present writ petition is filed seeking to declare the action of the 2nd respondent in registering Crime No.462 of 2016 for the offences under Sections 498-A, 494, 323, 406, 506 and 120B r/w.34 IPC and 3 & 4 of the Dowry Prohibition Act, against the petitioners, as illegal and arbitrary, and consequently quash the same.

The case in brief is that the de facto complainant is the wife of the 1st petitioner and the 2nd petitioner is the father of 1st petitioner. The de facto complainant made a private complaint alleging that the petitioners and other accused 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 de facto complainant demanding additional dowry, and that the de facto complainant filed the private complaint with a view to harass them and that the said complaint was referred to the police without following the procedure.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners and others, 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, 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.

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

November 22, 2016.
KTL

RAJA ELANGO, J



