

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38535 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.611 of 2016 for the offences under Sections 498-A and 406 IPC and 4 & 6 of the Dowry Prohibition Act, against the petitioners, as illegal and arbitrary.

The case in brief is that the de facto complainant is the wife the 1st petitioner and the petitioners 2 and 3 are the parents of the 1st petitioner. The de facto complainant lodged a complaint before the 4th respondent alleging that the petitioners are harassing her physically and mentally by demanding additional dowry and ill-treated her as she belongs to other community.

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 she demanded the 1st petitioner to convert his religion and as he did not agree for the same, the present complaint is lodged with false allegations.

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, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the respondents 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 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 costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

November 09, 2016.
KTL

RAJA ELANGO, J



