

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40314 of 2016

ORDER:

The present writ petition is filed seeking to declare the action of the 3rd respondent in harassing the petitioner by summoning to the police station and threatening to arrest in connection with FIR No.438 of 2016, as illegal and arbitrary, and consequently direct the 3rd respondent to drop further investigation.

The case in brief is that the de facto complainant is the wife of the 1st petitioner and the other petitioners are his family members. The de facto complainant made a complaint before the 3rd respondent alleging that the petitioners are harassing her physically and mentally by demanding additional dowry and also ill-treated her by suspecting her character.

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 1st petitioner is living in Saudi Arabia and the de facto complainant went to her parents' house and when the 1st petitioner came to India, he came to know about registration of the present crime.

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 and 3 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.

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

RAJA ELANGO, J

November 22, 2016.
KTL

