

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40637 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the crime No.133 of 2016 registered on the file of the fourth respondent for the offences under Sections 498-A, 406, 326 IPC read with Section 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, as illegal and arbitrary, insofar as the petitioners are concerned, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners apprehend arrest in the hands of the fourth respondent on the basis of the complaint lodged by the fifth respondent at Kolkata and that the petitioners are residents of Hyderabad. He further submits that the petitioners will approach the Court concerned seeking appropriate relief and till then, the petitioners seek a direction to the fourth respondent herein not to arrest the petitioners herein. Admittedly, notice under Section 41-A of the Code of Criminal Procedure is issued to the petitioners directing them to appear before the fourth respondent within seven days after receiving the said notice. Learned counsel further submits that the petitioners will attend before the fourth respondent, but they apprehend arrest in the hands of the fourth respondent.

Considering the facts and circumstances of the case, the petitioners are directed to approach the Court concerned at Kolkata on or before 20.12.2016 seeking appropriate relief and the fourth respondent is also directed not to take any action against the petitioners including arrest the petitioners herein till 20.12.2016.

.The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

23.11.2016
pln