

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36937 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to direct the 1st respondent to club FIR No.173 of 2016 with FIR No.30 of 2016 and file a common charge sheet.
2. Heard and perused the material available on record.
3. It is stated in the affidavit that on the basis of the earlier complaint of the 3rd respondent, who is the wife of the 1st petitioner, FIR No.30 of 2016 was registered on 8.2.2016 against the petitioners for the offence under Sections 307, 498-A r/w 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, and again on 19.7.2016, the 3rd respondent filed a private complaint on the same set of facts and on reference of the private complaint to the police under Section 156(3) Cr.P.C., again FIR No.173 of 2016 was registered against the petitioners for the offence under Sections 405, 406 r/w 34 IPC and Section 6 of the Dowry Prohibition Act. It is the grievance of the petitioners that in connection with the earlier crime, they obtained anticipatory bail and investigation is pending and that the allegations in both the FIRs are similar in nature and therefore, a direction may be given to club both the FIRs and to file a common charge sheet.
4. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, respondents Nos.1 and 2 are directed to club FIR No.173 of 2016 with FIR No.30 of 2016, complete the investigation and file a final report, in accordance with law, without arresting the petitioners. Further, it is made clear that if the investigation reveals that the cause of action in the earlier

crime and the subsequent crime differs, the above respondents are at liberty to file separate charge sheets before the Court concerned.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 31st October, 2016
Nn



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