

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44487 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus declaring the action of the 2nd respondent in registering F.I.R. No.370 of 2016 against the petitioners as arbitrary and illegal.

The 3rd respondent is the wife of brother of the petitioners herein. Due to the matrimonial disputes, on the complaint lodged by 3rd respondent, the 2nd respondent registered a case against the petitioners herein and husband of 3rd respondent in Crime No.370 of 2016 for the offence punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act. The grievance of the petitioners is that all the allegations levelled by the 3rd respondent are false and the 2nd respondent without ascertaining the genuineness of the same, registered the F.I.R. and proceeding with the investigation and trying to arrest the petitioners.

The learned Assistant Government Pleader for Home submitted that since a complaint is lodged by the 3rd respondent, the 2nd respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioners submits that the petitioners are ready to cooperate with the investigation, but, however, they are apprehending arrest and harassment in the hands of 2nd respondent-police.

Considering the facts and circumstances of the case, the 2nd respondent is directed to complete the investigation in Crime No.370 of 2016 without arresting the petitioners and file a final report, if any, in accordance with law. The petitioners are directed to appear before the

2nd respondent-police as and when required during the course of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

20.12.2016.

Tsr



