

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38737 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the action of the respondents in apprehending the 1st petitioner and producing him before the Court concerned, and remanding to judicial custody, without complying the directions of the Hon'ble Apex Court, as illegal and arbitrary and consequently, punish them in accordance with law and to restore the custody of the minor daughter of the 1st petitioner.

Heard and perused the material available on record.

The case of the petitioners is that the de facto complainant is the wife of 1st petitioner and the other petitioners are his family members. They blessed with a female child. The de facto complainant made a complaint against the petitioners for the offences under Sections 363 and 498-A IPC and 3 & 4 of the Dowry Prohibition Act and the same was registered as Crime No.425 of 2016 on the file of Suryapet Town Police Station. During the course of investigation, the 7th respondent apprehended the 1st petitioner along with his minor child, and produced the 1st petitioner before the Judicial Magistrate of First Class, Suryapet, and remanded him to judicial custody. Subsequently, he was released on bail. The grievance of the petitioners is that the 7th respondent handed over the custody of the minor child to the de facto complainant without producing her before the Court, and is trying to arrest the petitioners 2 to 5 also.

After perusing the material available on record, this Court is of the view that this writ petition is not maintainable and therefore, this

Court is not inclined to grant the relief sought for by the petitioners. However, taking into consideration the apprehension of the petitioners 2 to 5, this Court is of the view that the investigation can be completed without arresting the petitioners 2 to 5.

Accordingly, the Writ Petition is dismissed. However, the 7th respondent is directed to complete the investigation and file a final report in Crime No.425 of 2016 on the file of Suryapet Town Police Station, Suryapet, in accordance with law in either way, without arresting the petitioners 2 to 5. Further, the petitioners 2 to 5 are directed to appear before the investigating agency 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 agency as and when required, for the purpose of investigation.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

November 10, 2016.
KTL