

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37773 of 2016

ORDER:

This writ petition is filed by the petitioners seeking to declare FIR No.638 of 2016 on the file of Women Police Station, DD, Basheerbagh, Hyderabad, as illegal and arbitrary and consequently, quash the same.

The case in brief is that the de facto complainant –3rd respondent is the wife of the 1st petitioner and the 2nd petitioner is the brother of the 1st petitioner. The 3rd respondent made a complaint before the 2nd respondent stating that the petitioners are harassing her physically and mentally by demanding additional dowry.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners never harassed the 3rd respondent for additional dowry, and that the 3rd respondent is residing in Dubai since she is working in Dubai and the 1st petitioner is residing in Bangalore and the 2nd petitioner is residing at Debradun, therefore, the question of harassing the 3rd respondent physically and mentally by the petitioners does not arise.

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.

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, and since the issue arises out of matrimonial dispute, this Court is of the view that arrest of the petitioners would

cause prejudice in case of future settlement between the parties and therefore, the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is 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, as and when required, and cooperate with the investigation.

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

November 04, 2016.
KTL



RAJA ELANGO, J

