

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44799 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in registering the FIR No.184 of 2016 on the file of Karapa Police Station, East Godavari District, as illegal and arbitrary, and quash the same.

The offences alleged against the petitioner are under Sections 417, 420 and 376(2) IPC. The case in brief is that the de facto complainant – 3rd respondent lodged a complaint before the 2nd respondent stating that the brother of the petitioner enjoyed her sexually by promising to marry her and when the 3rd respondent and the brother of the petitioner planned to go to Tirupathi and to marry there, the petitioner stopped them and promised to talk to the elders and arrange for their marriage and thereafter, he along with his elders, demanded dowry for performing the marriage of the 3rd respondent with his brother and failed to arrange the marriage.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and there were disputes between two families while arranging the marriage of the 3rd respondent with the brother of the petitioner but, the petitioner has no role in the said acts, and that the petitioner is working as a Driver in the RTC, and in case of his arrest, he may lose his job.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and

another, and the police concerned are investigating into the matter in accordance with law.

The petitioner filed this writ petition challenging the investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the circumstances of the case, and the grievance of the petitioner, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

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 petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his appearance before the investigating officer as and when required for the purpose of investigation.

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

RAJA ELANGO, J

December 22, 2016.
KTL

