

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45273 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to quash the proceedings against them in FIR No.119 of 2016 on the file of Women Police Station, Kakinada.
2. Heard and perused the material available on record.
3. The petitioners are alleged to have committed the offences punishable under Sections 498-A, 506 r/w 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act. It is the case of the petitioners that the 1st petitioner, who is the husband of the 3rd respondent, filed a divorce petition, and after receipt of notice in the said OP, the 3rd respondent filed this false complaint.
4. The petitioners filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the proceedings in the above crime. However, considering the fact that the present complaint has arisen out of matrimonial disputes, this Court is of the view that the arrest of the petitioners would cause prejudice in case of future settlement. Therefore, the official respondents are directed to complete the investigation and file a final report, in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the Station House Officer concerned as and when required and they are also directed to execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety each for the like sum each to the satisfaction of the Station House Officer concerned, as surety for their future appearance as and when required for the purpose of investigation.

5. With the above direction, the Writ Petition is disposed of. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 26th December, 2016
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