

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4861 OF 2016

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ORDER:
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This Criminal Petition is filed by the petitioners-A1 to A3 under Section 482 Cr.P.C., seeking to quash the proceedings against them in Crime No.42 of 2016 on the file of Nellore II Town Police Station, SPSR Nellore District, registered for the offence punishable under Sections 406 and 420 r/w 34 IPC.

Heard and perused the material available on record.

It is the case of the complainant-2nd respondent, who is the wife of the 1st petitioner, that she is the legally wedded wife of the 1st petitioner and their marriage was solemnized according to Islamic rites and customs and at the time of marriage, her parents gave Rs.2,20,000/- and presented gold ornaments of 15 sovereigns and that she was blessed with a male child and thereafter, she was subjected to physical and mental harassment by the petitioners and she was driven out of the matrimonial home to bring additional dowry. She filed a private complaint and the said complaint was referred to the police and the same was registered as a case in Crime No.136 of 2013 for the offence punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. While so, when the 2nd respondent asked the petitioners to return gold ornaments and cash, they refused to do so. The petitioners are alleged to have misappropriated the gold ornaments and cash. Hence, she filed a private complaint. On the reference made by the learned Magistrate to the police, the above crime was registered.

Learned Counsel for the petitioners submitted that the present complaint has arisen out of matrimonial dispute and that the learned Magistrate referred the private complaint filed by the 2nd respondent

without following the procedure under Section 156(3) Cr.P.C. He further submitted that the petitioners were falsely implicated in the above crime.

Considering the facts and circumstances of the case and the allegations made against the petitioners, this Court is not inclined to interfere with the proceedings in the above crime.

At this stage, the learned Counsel for the petitioners submitted that due to pendency of the above crime, the petitioners apprehend arrest and harassment in the hands of the 1st respondent-police concerned.

In view of the above submission, the 1st respondent-police are directed to complete the investigation and file a final report, if any, in accordance with law, without arresting the petitioners. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioners for the purpose of investigation. On issuance of such notice, the petitioners are directed to appear before the investigating officer and give an undertaking as to their future appearance as and when required by the investigating agency for the purpose of investigation.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 7.4.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 7.4.2016

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