

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44911 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the 2nd respondent- Station House Officer, Chaderghat Police Station, Hyderabad, in registering F.I.R.No.438 of 2016, as arbitrary and illegal and consequently, to set aside the same.

2. The facts of the case in brief are that the marriage of A.1 with the *de facto* complainant was performed in the year 2005. At the time of marriage, the in-laws of *de facto* complainant informed that A.1 is a Graduate and had Diploma in Radiology and working as an X-Ray technician. Believing their words, her parents accepted the proposal and performed the marriage. After the marriage, A.1 and his family members started ill treating her without any reason and restricted her not to meet friends and family members. They also harassed the *de facto* complainant both physically and mentally to get additional dowry i.e., Audi car and to get citizenship for A.1 and visas for her sister and their parents.

3. Heard and perused the material available on record.

4. Learned counsel for the petitioners submitted that the petitioners never harassed the *de facto* complainant demanding additional dowry; that there are no specific allegations against petitioners in the complaint; that the *de facto* complainant lived only for a few days with the A.1; that basing on the complaint of

the *de facto* complainant, the police are trying to arrest the petitioners.

5. The learned Assistant Government Pleader submits 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.

6. The petitioners filed this writ petition challenging registration of the above crime. 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, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

7. Accordingly, the Writ Petition is disposed of directing the 2nd respondent-Station House Officer, Chaderghat Police Station, Hyderabad, to complete the investigation in the aforesaid crime and file a final report in accordance with law, without arresting the petitioners. Miscellaneous petitions pending, if any, shall stand closed. No costs.

RAJA ELANGO, J

December 22, 2016
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Date:22.12.2016

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