

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44555 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus directing the third respondent not to arrest the petitioner basing on the complaint, dated 05.12.2016 registered on the file of the third respondent without due process of law as arbitrary and illegal, and consequently to direct the third respondent not to arrest the petitioner basing on the complaint of the third respondent.

Heard and perused the material.

When the case is taken up for hearing, learned counsel for the petitioner submits that after filing of this writ petition, the third respondent registered the case being F.I.R.No.184 of 2016, against the petitioner for the offence under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. He further submits that Lavanya, wife of the petitioner herein, has filed the present complaint with all false allegations. Hence, he prays this Court to quash the same.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner at the threshold. However, taking into consideration the fact that the case is arising out of family disputes, the third respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the third respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for his future appearance as and when required for the purpose of investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

28.12.2016
pln