

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37482 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the respondents in registering Crime No.151 of 2016 against the petitioner for the offences under Section 498-A r/w.34 IPC, as illegal and arbitrary and consequently, quash the same.

The case in brief is that the de facto complainant –3rd respondent is the wife of the petitioner. She made a complaint before the 2nd respondent that the petitioner along with his family members harassing her physically and mentally demanding additional dowry.

Heard and perused the material available on record.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner, and the respondents are investigating into the matter in accordance with law.

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, and since the issue arises out of matrimonial dispute, this Court is of the view that arrest of the petitioner would cause prejudice in case of future settlement between the parties and therefore, the above crime can be investigated into, without arresting the petitioner.

Accordingly, 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, as and when required, and cooperate with the investigation.

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

RAJA ELANGO, J

November 02, 2016.
KTL

