

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37527 of 2016

ORDER

This writ petition is filed by the petitioner seeking to declare the action of 3rd respondent in registering the complaint in FIR No.560 of 2016 under Sections 498-A and 506 IPC and under Sections 3 and 4 of Dowry Prohibition Act, as illegal and arbitrary and to quash the same.

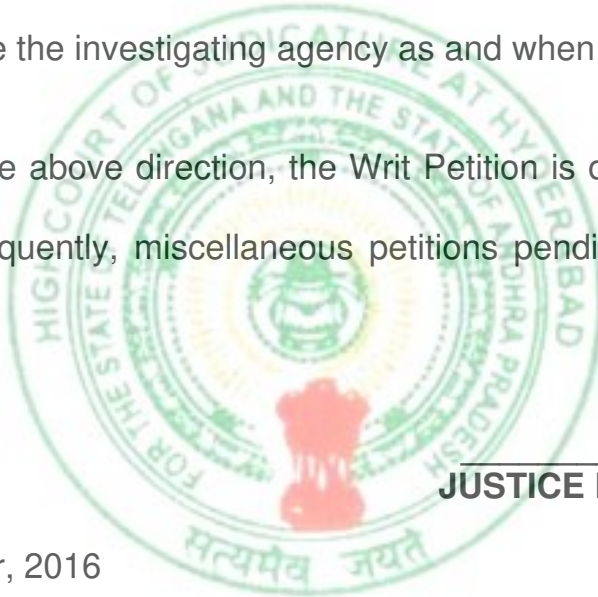
2. It is stated in the affidavit that the 4th respondent lodged a complaint alleging that the petitioner and his parents harassed her physically and mentally by demanding additional dowry and beat her by abusing in filthy language. Based on the said complaint, the 3rd respondent registered a case in Cr.No.560 of 2016 for the offences punishable under Sections 498-A and 506 IPC and under Sections 3 and 4 of Dowry Prohibition Act against the petitioner and others. It is stated that the allegations made in the complaint are all false and that the 5th respondent issued a show cause notice to the petitioner to surrender his passport and the 3rd respondent is trying to arrest him without following due process of law.

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

4. The main grievance of petitioner is that the 3rd respondent did not conduct any enquiry and did not issue any notice to him and that he is trying to arrest him without following due process of law.

5. Considering the facts and circumstances of the case and in view of the grievance of petitioner, without expressing any opinion on merits, respondents Nos.1 to 3 are directed to complete the investigation in Crime No.560 of 2016 of KPHB Colony Police Station, Cyberabad District and file a final report, in accordance with law, without arresting the petitioner. The petitioner is directed to appear before the investigating agency as and when required.

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



JUSTICE RAJA ELANGO

2nd November, 2016

sj



