

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.329 of 2009

ORDER:

This Writ Petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of respondents 1 & 2 in proceeding with Crime No.267 of 2008 registered by the 1st respondent herein on the complaint of the 3rd respondent herein, as arbitrary, illegal, improper and without jurisdiction and consequently direct the respondents herein to transfer the Crime No.267 of 2008 registered by the 1st respondent herein on the complaint of the 3rd respondent herein to the concerned Police Station at Hyderabad having jurisdiction for the purpose of investigation.

2. Learned counsel for the petitioner called absent. Perused the material available on record.

3. The case of the petitioner is that the marriage of the petitioner with the 3rd respondent was performed on 21.11.2001 as per Hindu Rites and Customs. While so, the 3rd respondent, with a view to harass the petitioner and his family members, lodged a complaint before the 1st respondent, who registered the same as Crime No.267 of 2008 under Section 498-A IPC read with Sections 3 & 4 of the Dowry Prohibition Act. The 3rd respondent got filed a maintenance application under Section 125 Cr.P.C. in M.C.No.53 of 2008 before the Family Court, Warangal and the learned Judge passed interim maintenance in favour of the 3rd respondent on 21.10.2008. While so, on the pressure of the 3rd respondent and her relatives, the 1st respondent arrested the

petitioner and his father and they were remanded to the judicial custody on 16.06.2008 and later they were released on bail on 19.06.2008. Now, the 3rd respondent has filed an application for non-compliance of the interim maintenance order and obtained a non-bailable arrest warrant against the petitioner and the 3rd respondent has also filed an application for cancellation of the bail against the petitioner. It is further case of the petitioner that the 1st respondent, on receipt of the complaint from the 3rd respondent, ought to have forwarded the same to the concerned Police Station, i.e., either to Hyderabad or to Ranga Reddy District, where the alleged offences have taken place. Hence, the present writ petition is filed.

4. On perusal of the record, it is evident that while ordering notice before admission, this Court granted interim stay of the proceedings in Crime No.267 of 2008, *vide* order, dated 12.01.2009, passed in W.P.M.P.No.350 of 2009. In spite of the same, the 1st respondent filed a charge sheet before the competent Court after completing the investigation. On 11.04.2016, this Court has taken cognizance of the fact that there is violation of the interim order, dated 12.01.2009, by the then Sub-Inspector of Police, Hanamkonda Police Station, who filed a charge sheet on 27.09.2010 and directed the Sub-Inspector of Police, Hanamkonda Police Station, to file a counter affidavit as to why action should not be taken against the then Sub-Inspector of Police, Hanamkonda Police Station, for violating the orders, dated 12.01.2009, under the Contempt of Courts Act. In spite of the order of this Court, dated 11.04.2016, the present Sub-Inspector

of Police, Hanamkonda Police Station, did not file a counter affidavit and this Court directed the Superintendent of Police, Warangal, to issue proceedings to Mr. M. Ravi Kumar, the then Sub-Inspector of Police, Hanamkonda Police Station, to be present in this Court on 10.06.2016 to show cause why proceedings under Contempt of Courts Act shall not be taken against him for filing the charge sheet in violation of the order of this Court, dated 12.01.2009. On 18.07.2016, the 1st respondent filed counter affidavit stating that the investigation in Crime No.267 of 2008 is stopped in view of the interim direction of this Court, dated 12.01.2009. But the fact remains that the investigation is completed and charge sheet is also filed before the concerned Court.

5. The point that is raised for consideration in the present writ petition is with regard to the jurisdiction of the investigation of Crime No.267 of 2008.

6. Since this Court granted interim stay of further proceedings in Crime No.267 of 2008, but the investigation agency already completed investigation and filed a charge sheet before the Court concerned, it is left open to the petitioner to file an application for discharge, if he so desires, before the concerned Court where the charge sheet is pending.

7. Hence, the Writ Petition is disposed of. However, it is left open to the petitioner to file an application for discharge before the concerned Court where the charge sheet is pending, if he so desires. On such filing of an application, the concerned

Court is directed to dispose of the same. Till the disposal of the said application, the presence of the petitioner before the concerned Court is dispensed with. There shall be no order as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

RAJA ELANGO, J

Date: 5th September, 2017

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