

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.636 of 2017

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 4th respondent in implicating the petitioners as accused in Crime No.383 of 2016 on the file of Amberpet Police Station, Hyderabad, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 420, 406, 447, 418 and 506 r/ w.34 IPC. It is stated in the affidavit that the 4th respondent lodged a private complaint alleging that the 1st petitioner is her daughter-in-law and she used to harass her son to get separated from the joint family and to allow her to do job and when her son did not agree for it, she left his company and living with her parents and, thereafter, through an advocate demanded an amount of Rs.75,00,000/- as permanent alimony and also filed a OP for restitution of conjugal rights and thereafter, the petitioners came to Hyderabad and trespassed into their house and threatened them to implicate in criminal cases.

It is the case of the petitioners that as a counter blast to the petition already filed by the 1st petitioner before the Family Court, Chennai, and the 4th respondent and other family members necked out the 1st petitioner from the matrimonial house and they are not allowing her into the matrimonial house, and that the present complaint is referred to the police by the Magistrate without following due procedure.

The petitioners filed this writ petition challenging investigation in 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 expressing any opinion on merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is directed to complete the investigation in the above Crime and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance as and when required for the purpose of investigation.

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

RAJA ELANGO, J

January 05, 2017
KTL

