

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.999 OF 2017

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the second respondent in trying to arrest the petitioners without issuing any notice under Section 41-A of the Code of Criminal Procedure in connection with F.I.R.No.146 of 2016 registered for the offences under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act as illegal and arbitrary and consequently to quash the proceedings against the petitioners.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present crime and that they have not committed any of the offences as alleged against them. He further submits that the third respondent has lodged the 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 petitioners at the threshold. However, taking into consideration the fact that the case is arising out of family disputes, the second respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the likesum each for their 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

06.01.2017

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