

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.726 of 2017

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 3rd respondent in implicating the petitioner as accused in Crime No.154 of 2016 basing on the false complaint of the 4th respondent, as illegal and arbitrary and quash the proceedings against him in the above case.

Heard and perused the material available on record.

It is stated in the affidavit that the above crime was registered for the offences under Sections 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. The petitioner is the husband of the 4th respondent. Taking into consideration the allegations made in the complaint, this Court is not inclined to interfere with the investigation in the above crime. However, as the present complaint has arisen out of matrimonial disputes, this Court is of the view that the arrest of the petitioner would cause prejudice in case of future settlement. Therefore, the official respondents are directed to complete the investigation in the above crime and file a final report in either way, in accordance with law, without arresting the petitioner. The petitioner is directed to appear before the Station House Officer concerned as and when required and he is also directed to execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety for the like sum to the satisfaction of the Station House Officer concerned, as surety for his future appearance as and when required for the purpose of investigation.

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

RAJA ELANGO, J

January 05, 2017
KTL

