

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45008 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in summoning the 2nd petitioner to the police station, on the basis of illegal report of the 4th respondent, without registering any crime, and also threatening the 2nd petitioner to arrest and detain him, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the 2nd petitioner and the 4th respondent are husband and wife and their marriage took place in the year 2001 and they blessed with a female child. As the 2nd petitioner agreed to live as illatom son-in-law, he went to the place of the 4th respondent and after some time, the parents of the 4th respondent treated him as a slave and drove him out. Subsequently, he obtained a government job. Thereafter, the 4th respondent filed MC No.3 of 2012 before the Family Court, Mahabubnagar and during pendency of the said case, conciliation proceedings were taken up and the 4th respondent agreed to live with the 2nd petitioner and joined with him. But, after few days, she left the company of the 2nd petitioner and lodged a complaint with the 3rd respondent with false allegations. Basing on the said complaint, the 3rd respondent frequently calling the 2nd petitioner to the police station and threatening him to arrest, since a case is registered against him.

Learned Assistant Government Pleader for Home, submitted that no case is registered against the petitioners, but only a G.D. entry is made on the complaint of the 4th respondent.

Learned counsel for the petitioners submitted that after issuance of notice in the present writ petition, the 4th respondent lodged another complaint, including the offence under Section 498-A IPC, and therefore, there is likelihood of registering the crime by the police, and hence, he prayed to direct the police concerned not to arrest the petitioners and the petitioners are also ready to cooperate with the investigation.

Taking into consideration the circumstances of the case and also the submissions of the learned counsel for the petitioners and as the present complaint arises out of matrimonial disputes, this Court is of the view that the arrest of the petitioners would cause prejudice in case of future settlement, and hence, this Court is inclined to pass the following order:

The 3rd respondent is directed to complete investigation, if any case is registered against the petitioners on the basis of the complaint lodged by the 4th respondent, and file a final report in either way, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the Investigation 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 to the satisfaction of the Station House Officer concerned, as surety for their 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 06, 2017.
KTL

