

THE HON' BLE SRI JUSTICE PRAVEEN KUMAR

WRIT PETITION No. 13306 of 2017

ORDER:

1) Heard learned counsel for the petitioners and Government Pleader for Home.

2) The present writ petition came to be filed seeking quashing of F.I.R. in Crime No.57 of 2017 of Women Police Station, Begumpet, Hyderabad, registered against the petitioners, for the offences punishable under Sections 498-A and 506 IPC.

3) The averments in the First Information Report are as under:

The marriage between the first petitioner and third respondent took place in the year 2015. After 15 days of marriage, the third respondent came to know that the first petitioner is having an illicit intimacy with another lady. When she questioned about the same, the first petitioner is alleged to have harassed the third respondent both mentally and physically. On 29.01.2016, the third respondent gave birth to a female child. Thereafter, all the petitioners started harassing her by keeping her in a room and not providing food and water and also not providing milk to the child. It is also alleged that with great difficulty, the third respondent escaped from the house along with her child. Basing on these allegations a report came to be lodged.

4) The main ground urged by the learned counsel for the petitioners is that the allegations made in the report are all false and are made only to harass the petitioners. He further submits that some of the petitioners are not living with the family of the first petitioner and third respondent as such the allegations made are all invented for the purpose of roping them as accused. The same is disputed by the Government Pleader for Home.

5) As seen from the plea raised across the bar, the main argument is that the allegations made in the report are all false and baseless. The issue as to whether the said allegations are false and baseless can only be decided at the time of trial. It is too premature to say that the allegations made in the report against the petitioners are all false. It is also to be noted that the crime came to be registered on 04.04.2017 and immediately thereafter ie. on 12.04.2017, the writ petition came to be filed, wherein this Court while issuing notice directed stay of arrest of petitioner Nos.2 to 6. The Government Pleader for Home would submit that the investigation is still pending and the petitioners are always at liberty to avail the remedy available under law in case a charge sheet is filed against the accused.

6) A reading of the First Information Report would show that all the petitioners harassed the third respondent by keeping her in a room for three days without providing any food and water. Since the case is still at the stage of investigation I cannot accept the

plea of the petitioners to quash the F.I.R. But however, the offences under Sections 498-A and 506 IPC are punishable with imprisonment for a term of seven years or less the investigating agency shall scrupulously follow the conditions stipulated in the judgment of the Apex Court in *Arnesh Kumar v. State of Bihar and another*¹ before taking any coercive steps against the petitioners.

7) With the above direction, the writ petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

01.06.2017
gkv



JUSTICE PRAVEEN KUMAR

¹ 2014 (2) ALT (Gr.) 457 SC