

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

W.P. No. 20500 of 2017

ORDER:

This writ petition is filed seeking issuance of writ of mandamus to declare the action of the Respondents-Police in not taking any action against the 4th respondent, who is Accused No.1 in Crime No.40 of 2014 of Women Police Station, Nellore as illegal, arbitrary and unconstitutional, and for a consequential direction to apprehend the 4th respondent.

2. As seen from the records, it is clear that on a report given by the petitioner, a case in Crime No.40 of 2014 of Women Police Station, Nellore came to be registered against the 4th respondent and others for the offences punishable under Sec.498A read with Sec.34 of the Indian Penal Code, and Sections 3 and 4 of the Dowry Prohibition Act. The police investigated into the matter and filed a charge sheet, showing the 4th respondent/Accused No.1 as absconding. The said case was taken on file as C.C.No.292 of 2015 on the file of the V Additional Judicial Magistrate of First Class, Nellore. As the Accused No.1/ Respondent No.4 was not appearing along with the other accused in the said case, the learned Magistrate split up the case against Accused No.1, vide CC.No.56 of 2017 and is proceeding further against the other accused. The trial Court has also issued Non-bailable Warrant against Accused No.1 and the same is pending.

3. The learned counsel for the petitioner would submit that though a non-bailable warrant is pending against the Accused No.1, the police officials are not showing any interest in apprehending the Accused No.1. The counsel for the petitioner would submit that the petitioner is ready to assist the police in apprehending the Accused No.1.

4. Having regard to the above, the writ petition is disposed of permitting the petitioner herein to furnish the whereabouts of Accused No.1/ Respondent No.4 to the Respondents-Police immediately; and on receipt of such information either from the petitioner or by any other source, the Respondents-Police shall take action immediately, in accordance with law.

5. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any pending, shall stand closed accordingly.

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C. PRAVEEN KUMAR, J

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