

THE HON'BLE THE ACTING CHIEF JUSTICE
RAMESH RANGANATHAN
&
THE HON'BLE SMT JUSTICE T. RAJANI

WRIT APPEAL No.1015 of 2017

JUDGMENT: (Per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under clause 15 of Letters Patent, is preferred against the order passed by the learned single Judge in WP.No.35367 of 2016 dated 20.10.2016.

Respondents 1 to 3 herein filed WP.No.35367 of 2016 to declare the action of the second respondent in registering FIR.No.177 of 2016, for the offences alleged to have been committed by them under Sections 498-A, 313 read with 34 of IPC and under Sections 3 and 4 of Dowry Prohibition Act, as arbitrary and illegal.

By the order under appeal, the learned Single Judge, while expressing his disinclination to interfere with the investigation, directed that investigation be completed without arresting the writ petitioners, and to file a final report in accordance with law. Aggrieved thereby, the present appeal is filed by the third respondent in the writ petition.

While Sri J. Sreenivasa Rao, learned counsel for the appellant-third respondent, would submit, not without justification, that the said order was passed at the stage of admission without either putting the appellant on notice and without giving her an opportunity of being heard, Sri A. K. Kishore Reddy, learned counsel for the respondents 1 to 3-writ petitioners, would submit that, in view of the law declared

by the Supreme Court in *RAMA KISHAN FAUJI v. STATE OF HARYANA AND OTHERS* (Civil Appeal No.4288 of 2017 dated 21.03.2017), an intra-court appeal, under clause 15 of the Letters Patent, does not lie against the exercise of criminal jurisdiction by the learned Single Judge.

In the light of the law declared by the Supreme Court in *RAMA KISHAN FAUJI* (supra), the present appeal, filed under clause 15 of the Letters Patent, is not maintainable as it is preferred against the order of the learned Single Judge in the exercise of his criminal jurisdiction. Suffice it to make it clear that it is open to the appellant to avail such other remedies as are available to her in law.

Subject to the aforesaid observations, the writ appeal fails and is, accordingly, dismissed. Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, HACJ

T. RAJANI, J

July 19, 2017
DSK