

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.896 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash F.I.R.No.30 of 2016 on the file of Women Police Station, Vijayawada, Krishna District, and consequently, direct the respondents to delete the names of the petitioners in the above crime.

Heard and perused the material available on record.

Case of the petitioners is that the 4th respondent filed a false complaint against them before the 1st respondent and the same was registered as the aforementioned case for the offences punishable under Sections 498-A, 342, 323 and 506 r/w.34 IPC and 3 & 4 of the Dowry Prohibition Act; that the complaint does not contain any incriminating material against them; that they never harassed the 4th respondent for additional dowry, and the 1st respondent is trying to arrest them without following the due process of law.

Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioners and the police concerned are investigating the matter in accordance with law.

Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, 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, the above crime can be investigated into without arresting the petitioners.

Accordingly, the 1st respondent is directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are directed to appear before the 1st respondent and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their appearance as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

January 06, 2017
KTL

RAJA ELANGO, J



