

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.458 of 2017

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in registering FIR No.233 of 2016 on the file of Aize Police Station, Jogulamba Gadwal District, as illegal and arbitrary, and consequently, set aside the same.

The offences alleged against the petitioner are under Sections 498-A IPC and 3 & 4 of the Dowry Prohibition Act. The petitioner is the sister-in-law of the de facto complainant. The allegation against the petitioner is that she along with her brother, who is the husband of the de facto complainant), harassed the de facto complainant demanding additional dowry.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against her and she never harassed the de facto complainant demanding additional dowry, but in fact, the de facto complaint herself deserted the company of her husband, and therefore, he filed OP seeking divorce and after filing of the said OP, the present complaint is lodged with all false allegations.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and another, and the respondents are investigating into the matter in accordance with law.

The petitioner filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with

the investigation in the above crime, taking into consideration the facts and circumstances of the case, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for her future appearance as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

January 04, 2017
KTL

RAJA ELANGO, J



HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.451 of 2017

January 04, 2017

KTL

