

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40784 of 2016

ORDER:

This writ petition is filed seeking to quash the FIR No.226 of 2016, dated 19.09.2016, on the file of the Malakpet Police Station, Hyderabad.

Heard and perused the material available on record.

The case of the petitioners is that the 3rd respondent lodged the present complaint against the petitioners alleging that the marriage between the 3rd respondent and the 1st petitioner was performed on 21.04.2005 in the presence of their elders and they are blessed with two children. Later, the 1st petitioner used to harass the 3rd respondent, both physically and mentally, by demanding additional dowry and also beat her brutally. Based on the above said allegation, the 3rd respondent lodged a complaint in Malakpet Police Station, which registered a case and while the case was under investigation, the 1st petitioner absconded and obtained anticipatory bail from the Court and later he promised her that he will take care of her and believing his words, the 3rd respondent started living with him. On 14.09.2016 at midnight 12.00 a.m., the 1st petitioner attacked the 3rd respondent and demanded her to sign on a compromise letter and when she denied, the 1st petitioner along with the 2nd petitioner, who is the brother of 1st petitioner, forced her to sign and when she denied, the 2nd petitioner placed knife over her neck and further forcefully made her to consume some tablets, due to which she became unconscious. Based on the above said complaint, the 2nd respondent registered a case in FIR No.226 of 2016, against the petitioners, for the offences under Sections 307, 506 & 509 IPC.

The main grievance of the petitioners is that the 2nd respondent is trying to arrest the petitioners under the guise of the above said crime.

Considering the facts and circumstances of the case, the 2nd respondent is directed to issue notice under Section 41-A Cr.P.C. to the petitioners and the 2nd respondent shall proceed with the investigation in FIR No.226 of 2016 by scrupulously following the conditions stipulated under Section 41-A Cr.P.C. and the guidelines laid down by the Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO,J

Date: 4th January, 2017

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¹ 2014 (2) ALT (GrI.) 457 SC