

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.5702 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home (TG) appearing for the official respondents.

2. When the matter is taken up, written instructions, dated 20.02.2018, furnished by the Sub-Inspector of Police, Chandrayanagutta Police Station are placed on record by the learned Government Pleader for Home. The said instructions read as under:-

“On receipt of a complaint from the petitioner herein, a case in Cr.No.302/2017 U/secs.498-A IPC and Sec.3 and 4 of Dowry Prohibition Act was registered dt.9.11.2017 on the file of Chandrayagutta Police Station against Mr.Mohd.Samiullah Shujan and others as they subjected the complainant to mentally and physically harassed her and demanded her to bring additional dowry.

During the course of investigation into the case, the investigation officer examined the complainant/petitioner and other witnesses and recorded their detailed statements. So far the investigation done clearly disclosed that the accused in the FIR have committed the offences mentioned in the FIR beyond all reasonable doubt.

While the investigation is under progress, all the accused in the FIR approached this Hon’ble Court and filed Criminal Petition vide CRLP.No.12134 of 2017 praying the Hon’ble Court to quash the criminal proceedings in Cr.No.302/2017 against them. By following the guidelines issued by the Hon’ble Apex Court, this Hon’ble Court disposed of the above criminal petition

directing the investigating officer to investigate the case, but not to arrest the petitioners/A1 to A8 unless report of the committee on its constitution is received, however, this order does not prevent him from securing for interrogation as part of investigation.

I humbly submit that I assure to this Hon'ble Court by following the order passed in Crl.P.No.12134/2017, this respondent shall proceed with the further course of action in the above crime. The respondent police are not the competent authorities to hand over the minor female children from the custody of the 4th respondent herein and his associates to the petitioner/complainant. It is always open to the petitioner to file a petition seeking for the custody of her minor children before the competent court of law."

3. Having regard to the above instructions, and taking into consideration the submissions of the learned counsel for the petitioner, this Court deems it appropriate to dispose of the writ petition by placing on record the above said instructions and also with a direction to the respondent police to complete the investigation as expeditiously as possible and file a final report.

4. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 21.02.2018
AMD

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AMD