

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.38712 OF 2018

ORDER :

Heard learned counsel for the petitioners and the learned Government Pleader for Home, apart from perusing the entire material on record.

When the matter is taken up, written instructions, dated 26.10.2018, furnished by the Sub Inspector of Police, Khammam District, are placed on record by the learned Government Pleader. The said instructions, to the extent of their relevance to the present Writ Petition, read as under:

"It is submitted that the 7th respondent lodged a complaint on 03.10.2018 with the 6th respondent, wherein she stated that her marriage was performed with petitioner No.1 on 05.02.2011 and after marriage her husband and in-laws harassed mentally and physically for additional dowry. In this regard counselling was conducted between the complainant and accused, but they did not change their attitude and basing on the compliant, a case was registered as Cr.No.55/2018 for the offences u/s 498-A, 506 IPC & Section 3 & 4 of Dowry Prohibition Act against the petitioner Nos.1 to 6 on the file of sixth respondent and investigation has been taken up. During the course of investigation five witnesses were examined and their statements were recorded. The investigating officer tried to serve notices u/s 41-A Cr.P.C. on the petitioners-accused, but they evaded to receive the same. However, efforts are continue to serve notices u/s 41-A Cr.P.C. to the petitioners-accused.

It is submitted that except registering the FIR against the petitioners, 6th respondent did not harass the petitioners by calling them to the police station and the petitioners, instead of cooperating with the investigating agency, filed the present Writ Petition with baseless

allegations and the investigation is under progress. After completion of investigation, an appropriate report will be filed before the concerned Hon'ble Court.

It is submitted the contention of the petitioners that the respondents 5 and 6 harassed the petitioners by calling them to the police station in connection with Cr.No.55/2018 is incorrect and baseless. As a part of investigation, the investigating officer tried to serve the notices u/s 41-A Cr.P.C. and they evaded to receive the same, hence, the investigating officer called them to attend the investigating agency to receive notice u/s 41-A Cr.P.C. for the purpose of investigation”.

By placing on record the above written instructions, Writ Petition is disposed of, directing the petitioners herein to go to the police station, within a period of one week, receive notice under Section 41-A Cr.P.C., and cooperate with the respondent-police authorities for investigation. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

A.V.SESHA SAI, J

29th October, 2018

Note:

*Furnish C.C. of the order
within two days.*

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