

Office of the
Commissioner of Police,
Hyderabad.
Dated 06-04-2002

No.L&O/M:6/1315/2002.

M E M O

Sub:- City Police – cases registered under Sections 498, 498(A) IPC or under Dowry Prohibition Act – Arrest of accused – Certain standing Instructions – Issued.

Of late, several complaints have been received that innocent and very distant relatives of the husband are being wrongly implicated in cases registered under Sections 498, 498(A) IPC or "Dowry Prohibition Act". It is quite natural that in such cases, the aggrieved parties might also cite relatives of the accused, close as well as distant, as having abetted or indulged in such crimes. But investigation later reveals that some of them are innocent. It is upto the Police Officers investigating the cases to properly weigh the evidence against each accused, and decide whether to arrest or not.

2. The Supreme Court of India in "Joginder Kumar Vs the State of UP" has directed that, though Police Officers have the power to arrest under section 41 of Cr.PC, "they shall not arrest unless there is a need to arrest." It is, therefore, obvious that Police investigating any case should resort to arresting the accused only if there is sufficient evidence against him/her, and there is a need to arrest. Mere complaint against a person or mention of his name in the FIR should not be the only cause for arresting anyone.


3. With a view to avoid adverse criticism, miscarriage of justice, and arbitrary deprivation of liberty of an individual, it is hereby ordered that henceforth no person (either woman, man or child) shall be arrested in any case registered under the above sections of law without obtaining the prior written permission from the concerned Deputy Commissioner of Police supervising the investigation of the case. For this purpose, the concerned Inspector of Police shall send a detailed report, duly enclosing the CD file and all relevant documents, clearly placing on record the evidence available against each accused to the concerned Deputy Commissioner of Police who will properly examine the complicity of each accused and accord written permission to effect the arrest of the accused persons.

4. It is reiterated that arrest of any accused in the above cases shall be effected only after obtaining the written permission from the D.C.P. supervising investigation of that case.

5. These instructions shall be followed scrupulously with immediate effect, and any deviation will be viewed seriously.

M.V.KRISHNA RAO,
Commissioner of Police.

To
All the Station House Officer of L&O and Women PSs.
All the Divisional ACsP,
All the Additional, Joint, Deputy Commissioners of Police.
Copy to CC to CP.


Jt. Commissioner of Police,
(Administration), Hyderabad.

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