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2/05/08

ADDP
(MRC)

STATE POLICE HEADQUARTERS:
HUMAN RIGHTS PROTECTION CELL:
ORISSA, CUTTACK.

No: 6546 /HRPC(Inv.) Dt: 26.8.2008.



- To
- The Director General of Police, Andhra Pradesh.
- The Director General of Police, Madhya Pradesh.
- The Director General of Police, Chhatisgarh.
- The Director General of Police, Jharkhand.
- The Director General of Police, Rajasthan.

Sub: Police Circular Orders to prevent immediate arrest on complaints u/s 498-A IPC.

Dear Sir,

It is some times come to notice that, some unscrupulous wives are taking opportunity of Sec.498-A IPC and filing false and fabricated complaints against their husband, in-laws of the family. The Police as investigating agency is also taking hesty action in arresting them in order to honour the provision of law. Due to such active police action, in some occasions the innocent old parents-in-laws, minor children (minor brother in-laws & minor sister-in-laws) and married Nanda/Nandei who are far away from the family are being victimised of Sec.498-A IPC which is abuse of the law. In this regard, there are decisions of Supreme Court of India vide Crl.W.P. No.9 of 1994 in the case of Joginder Kumar-vrs-State of U.P. and Delhi High Court in Crl.Misc.Nos.7107 and 7262 of 2006. Basing on the above decisions of the Supreme Court, India and Delhi High Court the Commissioner of Police Delhi and the Commissioner of Police Hyderabad have issued certain standing instructions to all concerned in their commissionerate regarding arrest of accused in the cases of Section 498-A IPC and dowry related cases. Copies of 1- Office Memo of Govt. of A.P.No. L & O/M6/1315/2002 dated: 6.4.02, 2- Circular No.7/2007 by Delhi Police dated 23.3.07, 3- Standing Order No.330/2007 issued by Commissioner of Police, Delhi vide No.80033-132/C&T (Ac-5)/PHC

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 Put up file
 in with the next DGP
 for the attention of
 the officer
 C/D


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PHQ dated 21.12.07 and 4- An article in internet analyzing the positive impact of above orders are enclosed herewith for reference.

You are requested to intimate if any such circular has been made in your State and your views regarding indiscriminate and immediate arrest of accused in such cases, for information of the D.G.P., Orissa in order to make Police Circular Order in the State of Orissa in the line of circular made by the P.C. Delhi and Hyderabad.

Yours faithfully,


(D.R.Meena)
Addl.D.G.of Police,HRPC,
Orissa, Cuttack.