

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M No.5200 of 2015 (O&M).

Date of Decision: March 19, 2015.

Varun Verma

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

1. Whether the judgment should be reported in the digest? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No

Present: Mr. Hardeep Singh, Advocate for the petitioner.

Ms. Mahima, Assistant Advocate General, Haryana.

Mr. Devender Hora, Advocate and
Mr. Rohit Verma, Advocate for the complainant.

SNEH PRASHAR, J.

CM-8934-2015

This is an application under Section 482 of the Code of Criminal Procedure for exemption from filing the certified copy and placing on record of Annexure P-11 and P12.

Allowed as prayed for.

CRM-M-5200-2015

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.585 dated 27.11.2014 under Sections 498-A, 323, 406 and 506 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Sarai Khawaja, District Faridabad.

2. The First Information Report, particulars of which have been mentioned above was registered against petitioner Varun Verma (husband), Surender Verma (father), Nancy Verma and Ashita Verma (sisters) on a complaint given by Vandana Verma wife of Varun Verma (petitioner).

3. The allegations of Vandana Verma were that she was married to Varun Verma on 10.12.2010 at Delhi as per Hindu rites and customs. Even prior to marriage, the parents of Varun Verma had started showing colours by demanding TV, refrigerator, other electronic gadgets and a car not less than **i10** Hyundai. They gave a list of articles which they demanded should accompany her as dowry at the time of marriage. After the marriage was solemnized, her husband and other family members started torturing and maltreating her for bringing insufficient dowry. They also found faults in her household part and tried to raise issues on trivial matters. She was abused, humiliated and treated with cruelty by the entire family. Despite all efforts made by her, they did not feel happy and satisfied. They demanded Rs.25-30 lacs for buying a flat. Ultimately, on 13.02.2012 she was compelled to leave the matrimonial home.

It was further submitted by the complainant that she filed a

complaint before CAW Cell, Sri Niwas Puri, New Delhi on 22.05.2012 which was transferred to CAW Cell, Nand Nagari, Delhi for action. She also filed a complaint before Metropolitan Magistrate Mahila Court, Karkardooma under various sections of the Prevention of Women from Domestic Violence Act, 2005 (in short, “the Domestic Violence Act”) on 04.05.2012 which was pending. Her husband, Varun Verma filed a petition under Section 9 of the Hindu Marriage Act, 1955 (in short, “the Act of 1955”) which was pending before Additional District Judge, Karkardooma. Since during pendency of the said petition, her husband made her hopeful of reconciliation, she withdrew the complaint, but subsequently on 27.11.2013 her husband filed a petition under Section 13 of the Act of 1955. In the month of December, 2013, Surender Kumar Verma, her father-in-law filed a suit for permanent injunction which was pending. The appeals filed by her were also pending before the High Court of Delhi and Sessions Court, Karkardooma. She lost the interim relief in a petition under the Domestic Violence Act filed against the petitioner and his family members on 22.07.2014 and the appeal thereagainst was also dismissed on 30.09.2014. Filing a list of dowry articles, the complainant stated that the same had been illegally detained by her, her husband, his father and married and unmarried sisters.

4. Heard the submissions made by Mr. Hardeep Singh, learned counsel representing the petitioner, Ms. Mahima, Assistant Advocate General, Haryana and Mr. Devender Vohra & Mr. Rohit Verma, learned counsel representing the complainant.

5. Learned counsel for the petitioner argued that after the complainant left the matrimonial home on 13.02.2012 she filed a petition under various provisions of the Domestic Violence Act on 21.07.2012 raising exactly similar allegations as are contained in the present First Information Report. Vide order dated 22.07.2014 the said petition was dismissed by the learned trial court finding that she had not come to the court with clean hands. The appeal filed by her against the said order was also dismissed vide order dated 30.09.2014. Simultaneously, the complainant had given a complaint to A.C.P, CAW Cell Sri Niwas Puri, New Delhi on 22.05.2012 which contained the same story as narrated in the present First Information Report. It is more than two years thereafter that she filed the present complaint and got the instant case registered at Faridabad involving all the members of her in-laws family including a married sister-in-law and her husband. Learned counsel contended that while it was the allegation of the complainant that she was being harassed and maltreated from the very beginning of marriage, the petitioner has placed on file number of photographs showing her in happy mood with him after marriage on different occasions.

6. As regards recovery of dowry articles, learned counsel contended that the petitioner had taken all dowry articles to the police station for being handed over to the complainant but disowning the same she had refused to take the same. It was submitted that the only intention of the complainant is to put the petitioner behind the bars because his father had refused to transfer the family house in Delhi in her name and she could

not sell it as per her wishes.

7. During arguments, learned Assistant Advocate General, Haryana produced a list of articles stated to be belonging to the complainant which were produced before the Investigating Officer by the petitioner-husband but disowning the same she had refused to receive them.

8. Admittedly, the parties are residing separate since 13.02.2012. The instant complaint was filed on 27.11.2014. Prior to this complaint, the complainant had filed a petition under the Domestic Violence Act raising similar allegations as in the present complaint but admittedly her petition was dismissed. The appeal filed against that order was also dismissed. The documents also indicate that she had given an identical complaint to CAW Cell, Sri Niwas Puri, New Delhi on 22.05.2012 and as mentioned in the complaint, had got the file closed on 14.08.2013. It was much after the petitioner filed a petition for divorce under Section 13 of the Act of 1955 on 27.11.2013 that the complainant got the instant case registered.

9. Further, it is apparent from the submissions of the parties that the petitioner had offered the dowry articles to the complainant but she had refused to take the same. It was not her submission that the articles being given were damaged or were not complete. Thus, in the facts and circumstances of the case and without going into the merits, in my considered opinion, it would not be in the interest of justice to decline the relief claimed by the petitioner. Accordingly, the petition is allowed and the benefit of anticipatory bail is allowed to the petitioner. In the event of his arrest, he shall be released on bail to the satisfaction of the Arresting/

Investigating Officer. He shall appear before the Investigating Officer as and when called upon for investigation. He shall also be bound by the following conditions as contained in Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave India without the previous permission of the Court.

The petitioner will cooperate during investigation for recovery of dowry articles. In case he fails to do so, the complainant/State shall be at liberty to approach this Court.

(SNEH PRASHAR)
JUDGE

March 19, 2015
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