

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on : November 23, 2015

+ **BAIL APPLN. 1304/2015**

RAHUL SHARMA & ORS.

..... Petitioner

Through: Mr.Sanjay Suri and Mr.Nitin Sharma,
Advocates.

versus

STATE (DELHI ADMINISTRATION)

..... Respondent

Through: Ms. Manjeet Arya, Additional Public
Prosecutor for the State

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

JUDGMENT

P.S.TEJI, J.

1. Aggrieved by the order dated 18.06.2015, passed by the learned Additional Sessions Judge /Special Judge (NDPS), Vacation Judge/Dwarka Courts, New Delhi, vide which the application seeking anticipatory bail filed by the present petitioners was rejected, the petitioners have filed the present bail application under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 for seeking anticipatory bail in a case registered under FIR No.580/2015 dated 03.05.2015 under Section 313 and 323 of Indian Penal Code, 1860, Police Station Dabri, South West Distt., New Delhi.

2. Petitioner – Rahul Sharma is husband of the complainant – Ruchika Sharma, and petitioner Nos.2 and 3 are the parents-in-law of the complainant. The allegation levelled against the petitioners is that the petitioners have harassed the complainant by giving beating to her almost daily. It is also alleged that the petitioners were not in favour of pregnancy and forced the complainant several times to get the same aborted. It is also alleged that on 19.4.2015, the petitioners gave merciless beating and kicked on complainant's stomach and thereafter gave some liquid and took the complainant to a doctor at Shalimar Gaon for abortion. It is also alleged that the husband of the complainant did not allow her to contact her father and relatives. It is only on 20.04.2015, when the father alongwith relatives of complainant came to her in-laws house, they came to know about her condition. It is also alleged that the petitioners threatened the complainant to sign on some papers forcibly before getting the pregnancy terminated.

3. Mr. Sanjay Suri, counsel for the petitioner submits that the petitioners had neither demanded any dowry nor ill treated, nor caused any cruelty, physical or mental to the complainant – Ruchika.

To controvert the allegations of incident of 19.04.2015, counsel for the petitioner placed on record the transcript of telephonic conversation of complainant – Ruchika with her brother – Vibhor, which lasted for about 18 minutes and 22 seconds from Vibhor's phone No.9953234556 to complainant's phone no.9958280666, which clearly shows that the complainant was herself willing to abortion due to the matrimonial differences with the petitioner No.1. It is also contended on behalf of the petitioners that they have been falsely implicated in the present case as according to complainant herself, she had gone to her father's house on 20.04.2015 while the FIR was lodged on 03.05.2015, just to injure and harass the petitioners by getting them arrested in a false case. It is also contended that the co-accused Mohit Sharma (Devar of the complainant) has already been granted anticipatory bail vide order dated 18.06.2015 and parity thereof is sought.

4. On 06th July 2015, when the matter came up before this court, the parties to the petition were directed to appear before the Delhi High Court Mediation & Conciliation Centre on 16th July 2015 and thereafter, as and when called and subject to petitioners appearing and

co-operating in the mediation proceedings, they were directed not to be arrested in this case.

5. The parties to the present petition have settled all their disputes before the Delhi High Court Mediation & Conciliation Centre and a Settlement Agreement dated 27.07.2015 was entered into and duly signed by both sides before the Medication Centre.

6. On 6th November 2015, when the matter was called for hearing before this court, the complainant-Ruchika Sharma appeared in person and gave statement, on oath, before this court to the effect that she had entered into a compromise with the petitioners and has no objection if the bail, as prayed for, in the petition is granted to the petitioners. The complainant was duly identified by the Sub-Inspector Kamlesh, Police Station Dabri.

7. Ms. Manjeet Arya, Additional Public Prosecutor appears for the State.

8. Considering the fact that both the parties have entered into the Settlement Agreement to settle their inter-se disputes before the Delhi High Court Mediation & Conciliation Centre and the fact that the complainant – Ruchika has also given her no objection to the grant of

anticipatory bail to the present petitioners, it is ordered that in the event of arrest, the petitioners – Rahul Sharma (husband), Pawan Kumar (father-in-law) and Pushpa Sharma (mother-in-law), be released on bail subject to their furnishing personal bond in the sum of Rs.10,000/- each with one surety of the like amount to the satisfaction of the arresting officer.

9. With aforesaid directions, the present bail application is disposed of.

10. Dasti.

(P.S.TEJI)
JUDGE

NOVEMBER 23, 2015
pkb