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

+ **BAIL APPLN. 1281/2016**

IMRAN

..... Petitioner

Through: **Mr. R.P.S. Bhatti, Advocate.**

versus

THE STATE

..... Respondent

Through: **Ms. Anita Abraham, APP for the State.**

Mr. R.N. Dubey, Advocate for the complainant.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

14.07.2016

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1. The petitioner has preferred the present petition to seek orders for anticipatory bail apprehending arrest in case arising out of FIR No.86/2016 registered at Police Station – Welcome, Delhi under Section 498A/ 406/ 34 IPC and Section 4 of the Dowry Prohibition Act.

2. The petitioner was married to the complainant on 24.06.2012 according to Muslim rites. One male child was born out of the wedlock on 08.08.2013. The case of the petitioner is that after the marriage, the parties were living together at their matrimonial home. The complainant initially got a First Information Report lodged against the petitioner in FIR No.441/2014 under Section 324/ 341/ 34 IPC at Police Station – Gokal Puri. However, the parties started living together after the said incident. The second FIR was registered being FIR No.1032/2015 on 19.09.2015 under

Section 323/ 341/ 34 IPC at Police Station – Khajoori Khas at the instance of the complainant/ wife. The petitioner and his wife parted ways since 19.09.2015. The complainant has finally got the aforesaid FIR registered against the petitioner.

3. The submission of learned counsel for the petitioner is that the petitioner is willing to settle the dispute with the complainant. Learned counsel for the petitioner submits that at the time of wedding, a list of all the dowry articles was drawn up. The petitioner is ready & willing to return all those articles. Learned counsel submits that one Alto car has already been returned. Learned counsel for the petitioner further points out that false and wild allegations have been made in the FIR against the petitioner. He submits that no jewellery was given in dowry by the parents of the complainant and that is why there is no mention of any jewellery item in the list jointly prepared by the parties of the gifts given at the time of the marriage. He further submits that so far as jewellery given by the side of the petitioner is concerned, the complainant/ wife has already taken away the same while leaving the matrimonial home. Learned counsel submits that the petitioner is ready and willing to join the investigation as and when called upon and willing to abide by such conditions that the Court may deem appropriate.

4. On the other hand, learned APP and the learned counsel representing the complainant oppose the petition by submitting that the petitioner is involved in other serious offences, including under Section 407 IPC. Learned counsel for the complainant submits that substantial jewellery was given at the time of the marriage by the parents of the complainant as is

customary and it is unthinkable that the parents who are giving other gifts at the time of marriage would not give any jewellery – as claimed by the petitioner. Photographs taken at the time of marriage showing the complainant wearing the jewellery have been shown to the Court. The petitioner has claimed that the said jewellery was the one give by his parents and relatives which has already been taken away by the complainant. It is further pointed out that the conduct of the petitioner, even otherwise, is not good. Even the Alto car was returned in a damaged condition after the complainant was driven to file a contempt petition. Even the maintenance fixed in respect of the minor child has not been paid.

5. Having heard learned counsel, I am of the view that the petitioner is not entitled to any relief at this stage. His custodial interrogation is necessary to unearth the jewellery items that may have been gifted to the complainant. There is nothing to show that she has taken away any jewellery while leaving the matrimonial home. The fact that the other household items are still lying at the matrimonial home with the petitioner, itself suggests that she may not have taken away the jewellery articles. It is only at this stage that the petitioner appears to have made an offer to return the other articles mentioned in the list of articles supplied by the complainant (which is also agreed to by the petitioner).

6. Accordingly, the petition is dismissed.

VIPIN SANGHI, J

JULY 14, 2016

B.S. Rohella