

MUNISH KUMAR **..PETITIONER**
VERSUS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 07.11.2016 and two children have been born from the wedlock. The matrimonial dispute has cropped up between the parties. The complainant had left the matrimonial house on 26.04.2022. At the earlier instance, the complainant had submitted a complaint to the police authorities but the matter was amicably settled in terms of Panchayati compromise dated 15.02.2022 (Annexure P-4). Subsequently, the present FIR has been lodged. The custody of one child is with the petitioner and the other child is in the custody of the complainant. The petitioner is not in the possession of any article of *Istri Dhan* of the complainant. The matter was referred to the Mediation but the dispute could not be amicably settled. The

RENU BALA
2023.07.19 17:45
I attest to the accuracy and
integrity of this document

CRM-M-5164-2023

-2-

expenses when the matter was referred for Mediation but on account of ill health of his mother, the petitioner could not make a payment of the said amount. The petitioner is ready and willing to pay the amount to the complainant. Furthermore, the petitioner has also instituted a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights.

3. On instructions from ASI Meet Ram, learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Learned State counsel and counsel for the complainant submit that the recovery of articles of *Istri Dhan* is yet to be effected.

5. The petitioner has paid a sum of Rs.15,000/- on account of litigation expenses in terms of order dated 10.02.2023 to the complainant in the Court today.

6. In pursuance of the interim directions, the petitioner has joined the investigation and his custodial interrogation is not required. The controversy as to whether the articles of *Istri Dhan* were entrusted to the petitioner and have been misappropriated by him will be a debatable and moot point during the course of trial.

7. The petition is allowed and it is directed that in the event of arrest, the petitioner be released on interim bail to the satisfaction of the Arresting Officer subject to the condition that he complies with the provisions of Section 438(2) Cr.P.C.

19.07.2023

renubala

(VIVEK PURI)
JUDGE