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

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+ **BAIL APPLN. 3037/2022 & CRL.M.A. 22203/2023**

VINAY MEHTA

..... Petitioner

Through: Mr. Joney, Advocate along with
Petitioner in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Subhash Chandra, PS Mahendra Park.
Mr. Rahul Sharma, Advocate with Mr. Kshitij
Goel and Mr. Rishav Sharma, Advocates for R-2/
Complainant.

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+ **BAIL APPLN. 3043/2022**

VIKAS MEHTA

..... Petitioner

Through: Mr. Joney, Advocate along with
Petitioner in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Subhash Chandra, PS Mahendra Park.
Mr. Rahul Sharma, Advocate with Mr. Kshitij
Goel and Mr. Rishav Sharma, Advocates for R-2/
Complainant.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

15.01.2024

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1. Both these anticipatory bail applications are taken up together for disposal. Bail Application No.3037/2022 has been filed under Section 438



Cr.P.C. on behalf of the husband of the Complainant, namely, Vinay Mehta, whereas Bail Application No.3043/2022 has been filed by Vikas Mehta, brother-in-law of the Complainant, in case FIR No.0776/2021 dated 01.07.2021, registered at PS: Mahendra Park under Sections 498A/406/34 IPC. During investigation, offences punishable under Sections 354C/323/377/509 IPC were added.

2. On 12.10.2022, notices were issued in both the applications and time was granted to the State to file the status report along with a direction to the Investigating Officer to intimate Respondent No.2/Complainant of the next date of hearing for appearance while issuing formal notice to her. Court had further directed that Applicants shall not be arrested subject to their participating and joining investigation, as and when directed by the concerned Investigating Officer, without any default. Indisputably, the interim orders have continued till date.

3. In a nut-shell, case of the prosecution is that upon a complaint being received from the Complainant at PS: Mahendra Park from CAW Cell, Rani Bagh for necessary inquiry and action, an FIR was registered on 01.07.2021 under Sections 498-A/406/34 IPC. It was alleged by the Complainant that she got married to Vinay Mehta on 11.05.2015 according to Hindu rites and ceremonies and all expenses of around Rs.3 lacs were borne by her parents. Till six months of marriage all was well, however, thereafter her husband and other members of his family started taunting the Complainant for not bringing motorbike in the marriage and started demanding the same as also torturing her mentally and physically. On account of all this, mother of the Complainant took loan and gave Rs.60,000/- in tranches to the in-laws of the Complainant for buying the vehicle but their behaviour did not change and



they continued to torture her. On 14.02.2016 Complainant was beaten and thrown out of the matrimonial home but on advice of some interveners she was brought back. On 21.03.2017 a girl child was born from the wedlock and this became another bone of contention in her matrimonial home and now the Complainant's in-laws started pressurizing her to bring Rs.2 lacs for investing in an FDR in the name of the girl child. Complainant alleged that forcibly her daughter was also taken away by her mother-in-law on 16.04.2020 and with the help of local police she succeeding in getting her daughter back. Complainant alleged that all her dowry articles including jewellery was in possession of her in-laws, which they were refusing to return.

4. Notices under Section 41A Cr.P.C. were served on the husband, his parents, brother and sister-in-law and statement of the Complainant was recorded under Section 164 Cr.P.C., where she alleged that her husband indulged in unnatural sex with her after drinking alcohol and some medicine and her brother-in-law made obscene videos of the acts in their bedroom. In 2018 Complainant was given some pills causing abortion of the second child she had conceived. Medical examination of the victim was conducted on 28.12.2021 as she gave a history of sexual and physical assault and thereafter Sections 323/377/509/354C IPC were added on the basis of the FIR and the statement under Section 164 Cr.P.C. including the medical examination report. On 02.08.2022 anticipatory bail application of the Applicants was dismissed by the Sessions Court.

5. Application was filed by Vinay Mehta seeking modification of the order dated 19.12.2022 wherein the Court had recorded an undertaking of Vinay Mehta that he shall pay a sum of Rs.10,000/- per month into the



account of the Complainant without prejudice to his rights and contentions. When this application was listed before this Court on 18.08.2023, the Court referred the parties to mediation before the Delhi High Court Mediation and Conciliation Centre considering that it was essentially a matrimonial dispute. Mediation report dated 01.11.2023 has been received as per which, after comprehensive mediation sessions, parties have voluntarily arrived at an amicable settlement of all their disputes and differences and executed a Settlement Agreement dated 21.12.2023, copy of which has been placed on record. It is agreed between the parties *inter alia* that Vinay Mehta and the Complainant shall take steps to dissolve their marriage by mutual consent and petition under Section 13B(1) of Hindu Marriage Act, 1955 shall be filed within a week of signing the Settlement Agreement and after the First Motion, steps shall be initiated for filing the Second Motion. It was further agreed that a sum of Rs.1,50,000/- will be paid to the Complainant by way of demand draft in the name of minor daughter at the time of recording of the statements at the First Motion and another sum of Rs.1,50,000/- would be paid by way of demand draft in the name of the minor daughter during the Second Motion. Custody of the girl child shall remain with the mother, who will be responsible for her well-being. Remaining sum of Rs.1,50,000/- out of the total settlement amount of Rs.4,50,000/- shall be paid at the time of quashing of the FIR and the quashing petition shall be filed within one month of the grant of divorce. Apart from the aforesaid amount, the articles referred to in the Settlement Agreement shall be handed over to the Complainant as agreed. A sum of Rs.4,50,000/- and the articles referred to would be received by the Complainant in full and final settlement of all her claims and neither party shall assert any further claim against each other in



future. Parties have also agreed to withdraw other legal proceedings, if any and Vinay Mehta and the Complainant have undertaken that they shall have no claim or right qua any immovable or movable property of each other or their family members, whether self-acquired, HUF or ancestral under any circumstances and will not interfere in each other's life.

6. Applicants and the Complainant are present in Court and are identified by the Investigating Officer SI Subhash Chandra. Complainant states that all disputes *inter se* the parties have been resolved before the Mediation Centre with the help of the Mediator and therefore, she has no objection if the interim orders granting protection to the Applicants are confirmed. Learned APP states that Applicants have joined investigation as and when directed and are cooperating.

7. In view of the settlement between the Applicants and the Complainant before the Delhi High Court Mediation and Conciliation Centre, whereby a Settlement Agreement has been executed on 21.12.2023, incorporating the terms of settlement, which are comprehensive and exhaustive as also considering the stand of the State that Applicants have joined investigation and have cooperated and no custodial interrogation is required, orders dated 12.10.2022 granting interim protection to the Applicants are confirmed. It is directed that in the event of the arrest of the Applicants, they shall be released on furnishing a personal bond in the sum of Rs.20,000/- each with one surety of the like amount each by a family member or friend, to the satisfaction of the learned Trial Court and further subject to the following conditions:-

- (i) Applicants shall not leave the National Capital Territory of Delhi without permission of the Trial Court and shall ordinarily reside at the



address given in the Trial Court record; any change in residential address shall be with advance intimation to the Trial Court and the IO by way of an affidavit;

(ii) They shall appear before the Trial Court as and when the matter is taken up for hearing;

(iii) They shall join investigation as and when directed by the IO concerned and will provide the mobile numbers to the IO. The mobile phones will be kept in working conditions at all times and will not be switched off. Any change in mobile numbers will be with after prior intimation is given to the IO; and

(iv) They shall report to the IO once every month till there is any further order to the contrary.

8. Bail Applications stand disposed of in the aforesaid terms. Pending application also stands disposed of.

9. Copy of the order will be sent to the concerned SHO for information and necessary compliance.

JYOTI SINGH, J

JANUARY 15, 2024/KA