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

+ **CRL.M.C. 4137/2017**

AKANSHA JAIN

.....Petitioner

Through: Mr. Pushkar Sood, Ms. Vertika
Sharma, Mr. Mayur Srivastava and
Mr. Kunal Gosami, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, Ld. APP for State
with SI Pradeep Kumar DIU/Cell S/E.
Mr. Prashant Mendiratta, Ms.
Somyashree and Ms. Neha Jain,
Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **23.01.2025**

1. A Petition under Section 482 Cr.P.C has been filed to challenge the Order dated 16.05.2017, vide which the learned Metropolitan Magistrate has declined to release the FDR of 12 lakhs deposited by the Respondent No.2 towards dowry articles at the time of grant of Bail by this Court.
2. Learned counsel for the Petitioner submits that bare perusal of the Order dated 09.10.2009 reflects that the Petitioner has deposited the sum of Rs.12 lakhs towards the dowry articles to which the Petitioner is entitled. While granting Bail, it had been further observed that the disbursement of this amount shall be subject to further orders of the Magistrate and the final decision of the Magistrate.



3. CrI. M.A1407/2010 in Bail Petition No.832/2008 was filed for release of this amount, but this Court vide Order dated 19.02.2010 only observed that there was no clarification required in the Order dated 09.10.2009. It nowhere specifically declined to release the amount. It is submitted that the import of Order dated 09.10.2009 read with 19.02.2010 only implies that the disbursement of the FDR amount was to be done by the learned M.M. at any stage or at the final adjudication.

4. Consequently, the Application was filed before the learned M.M who without appreciating the context, has dismissed the Application vide impugned Order dated 16.05.2017 cryptically without giving any cogent reasons. It is, therefore, submitted that the impugned Order is liable to be set aside and the FDR amount or any amount therefrom may be directed to be released.

5. **Learned counsel on behalf of the Respondent** submits that the Order dated 09.10.2009 vide which the amount was deposited clearly observes that this amount is being deposited by the Petitioner towards return of dowry articles, though it is disputed that it is payable or returnable to the Complainant. It is, therefore, submitted that the Application for refund of Rs.12 lakhs has been rightly dismissed.

6. **Submissions heard and record perused.**

7. As has been rightly pointed out by the learned Counsel for the Respondent, on 09.10.2019 this Court had clearly reflected that the Petitioner had agreed to deposit an FDR of Rs.12 lakhs towards return of dowry articles, *“though it was disputed whether the amount was payable or the goods returnable to the Complainant”*. From the very tone and tenure, it is evident that there was no conclusion or observation that this amount was



an admitted amount payable towards the dowry articles.

8. Furthermore, while granting Bail it had been observed that the disbursement of the amount shall be subject to further orders of the Magistrate and final decision of the Magistrate. If read in right spirit and perspective, it only implies that this amount may be released by learned Magistrate after it is concluded that there were indeed dowry articles and that this amount was payable towards return of dowry articles.

9. The learned M.M in the impugned Order has, therefore, rightly denied the return of the FDR amount to the Petitioner.

10. There is no merit in the impugned Order, which is hereby set aside.

11. Learned Counsel for the Petitioner submits that the cross-examination of the Complainant is continuing from 2017 till date. The learned Trial Court may make an endeavour to conclude the Trial expeditiously.

12. The Registry may ensure that the FDR amount is on auto-renewal mode.

13. The Petition stands dispose of.

NEENA BANSAL KRISHNA, J

JANUARY 23, 2025/va