

# Varun Dev Chadha vs State Nct Of Delhi & Anr on 16 February, 2022

**Author: Rajnish Bhatnagar**

**Bench: Rajnish Bhatnagar**

(VIA VIDEO CONFERENCE)

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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 565/2022

VARUN DEV CHADHA

Through: Mr. Manoj D. Taneja, A  
Petitioner in person.

versus

STATE NCT OF DELHI & ANR.

..... Respo  
Through: Mr. Amit Ahlawat, APP for the  
with SI Amarpal.  
Mr. Tarun Khanna, Adv for  
respondent no.2/complainant

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% 16.02.2022 Exemption allowed, subject to just exceptions.

The application stands disposed of

1. This is a petition filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 619/2021 under Section 377 IPC and Section 6 of POCSO Act registered at Police Station Janak Puri.

2. Issue notice. Learned APP for the State appears on advance notice and accepts notice. Counsel for respondent no.2 appears on advance notice and accepts notice.

3. It is submitted by the counsel for the petitioner that petitioner and respondent no.2 got married on 2.12.2014, and thereafter certain dispute (VIA VIDEO CONFERENCING) arose between them as respondent no.2 was demanding share in the property of the parents of the petitioner. He further submitted that respondent no.2 lodged complaints against the petitioner and his family members under DV Act, and an FIR was registered under Section 498A/406/34 IPC. He further submitted that during the course of enquiry when petitioner and respondent no.2 had gone to CAW Cell, the

respondent no.2 again got an FIR registered against the petitioner under Section 279/337 IPC. He further submitted that thereafter the petitioner filed a petition for divorce against the respondent no.2 He further submitted that parties thereafter settled their disputes and claims vide mediation dated 1.9.2021 whereby the parties were directed to withdraw all their cases. It is further submitted that thereafter petitioner and respondent no.2 settled their disputes and started living together along with their minor child from 25.12.2020 at rented accommodation which was taken by the petitioner bearing no. C-4G/84B, 2nd Floor, Janakpuri, Delhi. He further submitted that petitioner even got her daughter admitted in Mira School Janakpuri, and was taking care of all the requirements of minor child and respondent no.2. He further submitted that during this period, petitioner came to know that respondent no.2 has become lawyer by profession, and got her enrolled herself as an Advocate with Bar Council of Delhi. He further submitted that respondent no.2 time and again raked up issue and pressurize the petitioner to take his share in the property of his parents or take 50 lacs so that she can buy separate house.

4. It is further submitted by the counsel for the petitioner that on 21.12.2021 parents of respondent no.2 came to the rented accommodation and gave beatings to him, and petitioner gave PCR call and they were taken to police station along with the minor child, and from there they were taken (VIA VIDEO CONFERENCING) to DDU hospital, and their medical examination was conducted. According to the counsel for the petitioner, respondent no.2 threatened him to get involved in serious case. He further submitted that with the intervention of local police and parents, the matter was again settled between the parties, and they came back to their house at around 3-4 am. On 22.12.2021, minor child fell ill and she was suffering from stomach pain and vomiting, and took her to doctor who gave her medicines and proper care. According to the counsel for the petitioner despite all this, respondent no.2 was still arguing on her share in the ancestral property. On 23.12.2021, on account of illness of minor child petitioner did not go to the office, and remained at the house. He further submitted that respondent no.2 was also supposed to go for ultra-sound check up, and at around 2 pm minor child was taken to the house of the grand parents i.e parents of the petitioner at Janakpuri, and thereafter the petitioner took the complainant to the DDU hospital for check up. Since doctors were on strike, they came back to the house of the parents of petitioner, and thereafter at around 4.00 pm they came back to tenanted premises. He further submitted that soon thereafter, respondent no.2, along with minor daughter came back to the house of the parents of the petitioner (in-laws house of respondent no.2) and again thereafter heeded arguments took place between them on the same issue of the property of the father of the petitioner. He further submitted that at around 5.30 pm the petitioner left with the respondent no.2 and daughter for their house, and on the way petitioner called his father and asked him to give him Rs.50 lacs who flatly refused and this conversation had taken place on speaker mode, and heard by the complainant, and thereafter complainant threatened the petitioner to face the consequences. It is further submitted by the counsel for the (VIA VIDEO CONFERENCING) petitioner that when reached their house at around 6.00 pm the complainant made a PCR call and then she narrated to the parents and made allegations as mentioned in the FIR.

5. It is further submitted by the counsel for the petitioner that petitioner has been falsely implicated in this case. He further submitted that FIR was registered on the basis of the written complaint by the complainant. As per FIR incident took place on 21.12.2021, 22.12.2021 and 23.12.2021, and FIR

was lodged on 23.12.2021.

6. On my query from the IO, she submitted that quarrel took place between the parties and though there was a PCR call on 21.12.2021, but the present incident was reported by the minor child to her mother only on 23.12.2021.

7. It is submitted by the counsel for the petitioner that petitioner was granted interim protection by the courts below about 2-3 times, and there is no allegation of tampering of evidence and threatening of the witnesses against him. He further submitted that learned petitioner has joined the investigation, and medical was also conducted.

8. It is submitted by the counsel for the petitioner that Section 376 AB IPC has been added only on the oral observations and directions made by learned ASJ, seeking explanation and changing of the IO. It is further submitted by learned counsel for the petitioner this exercise taken by the learned ASJ was not in accordance with law.

9. It is submitted by learned APP that petitioner is now absconding since 1.2.2022 and NBWs have been obtained against him. He seeks time to file the status report.

10. Let status report be filed before the next date of hearing by the State.

(VIA VIDEO CONFERENCING) Reply, if any be filed by respondent no.2.

11. List on 24th February, 2022. All the judgments relied upon by the petitioner be filed on record, and be supplied to learned APP and counsel for respondent no.2.

RAJNISH BHATNAGAR, J FEBRUARY 16, 2022 ib