

Yatin Kukreja vs The State Govt. Of Nct Of Delhi And Anr on 29 March, 2022

Author: Anoop Kumar Mendiratta

Bench: Anoop Kumar Mendiratta

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 975/2022
YATIN KUKREJA

..... Petition

Through: Ms.Rebecca M. John, Sr. Advocate
with Mr.Pradeep Rana, Mr.Mohit
Aggarwal, Mr.Pravir Singh and
Ms.Megha Bahl, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI
AND ANR.

..... Respond

Through: Mr.K.K. Ghei, APP for State with
Inspector Praveen, P.S.: Hari Na
Mr.Ramesh Gupta, Sr. Advocate wi
Ms.Malavika Rajkotia
Mr.Ramakant Sharma, Advocates fo
complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA
ORDER

% 29.03.2022 Exemption allowed, subject to all just exceptions. Application is accordingly disposed of.

1. The application is filed on behalf of the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail in FIR No.234/2022, under Sections 315/354/354A/377/498A/406/506/34 I.P.C. registered at Police Station: Hari Nagar, District-West, New Delhi.

2. Issue notice. Learned APP for the State appears on advance notice served upon State and accepts notice.

3. Let the status report be filed before the next date of hearing with an advance copy to the learned counsel for the petitioner.

4. In brief, the marriage between the petitioner and respondent No.2 was solemnized at Ritz Banquet Hall, Gurgaon, Haryana on 08.05.2017. Respondent No.2 left the matrimonial home on 16.02.2018 and thereafter a complaint was filed by respondent No. 2 with CAW Cell, Kirti Nagar, West District, Delhi on 16.12.2021. The family members of the petitioner are already on anticipatory bail vide order 22.03.2022 passed by the Court of Sh. Samar Vishal, Ld. ASJ, West, Tis Hazari,

Delhi.

5. Learned counsel for the petitioner contends that petitioner has been willing to return the dowry articles which are in the possession of the petitioner, but the same have not been seized by the Investigating Officer.

6. The application is vehemently opposed by the learned APP for the State assisted by learned counsel for the complainant, on the ground that the complainant had suffered a miscarriage in September, 2017. It is also submitted that the petitioner failed to join the investigation for recovery of the dowry articles.

7. The case arises out of matrimonial differences between the parties. Complaint in this case has only been filed on 16.12.2021 while the cause of miscarriage which happened about September, 2017 can only be ascertained during the course of the investigation. Petitioner is also willing to make efforts for settlement through mediation and has also earlier offered to return the dowry articles.

Considering the facts and circumstances of the case, no coercive action shall be taken against the petitioner till the next date of hearing. However, in the meantime, petitioner is directed to join investigation as and when required. Respondent No.2 shall be at liberty to receive the dowry articles, if she so desires, in the presence of the Investigating Officer after identification of the articles.

8. At this stage, the parties along with their respective counsels request that the matter be referred to the Delhi High Court Mediation and Conciliation Centre, New Delhi for exploring the possibility of an amicable settlement.

9. In view of above, the matter is referred to the Delhi High Court Mediation and Conciliation Centre for exploring the possibility of an amicable settlement between the parties. Parties are directed to appear before the Mediation Centre on 06.04.2022.

List on 27.05.2022 before the court for reporting outcome of the mediation.

ANOOP KUMAR MENDIRATTA, J.

MARCH 29, 2022/R