

In the court of Sh. Pankaj Arora, MM-03 (West), THC, Delhi

CC No. 261/19
PS. N. Vihar
12.05.2020

Smt. Shayba @ Sahiba Parveen

Vs.

Mohd. Sikander @ Sikander Husain & Ors

Present: Sh. Akhtar Shamim, Ld counsel for complainant through video conferencing on CISCO Webex application vide meeting no. 576 403 936

By this order I shall pass interim order on an application U/s 156(3) Cr. P.C. moved on behalf of the applicant/complainant thereby seeking directions to register an FIR.

Brief facts of the present case as stated by the complainant are that the marriage of the complainant was solemnized on 12.09.2017 with the accused no. 1 according to Muslim Rites and ceremonies. It was their second marriage. The complainant has already got divorce from her earlier marriage. The accused no.1 had also assured at the time of contracting marriage that he had also settled all the disputes pertaining to his previous marriage as regards divorce, Mehr, maintenance etc.

It is further stated that the complainant's father gave Rs. 3,50,000/- in cash to her husband and in laws in lieu of dowry articles. The complainant's parents and relatives gave jewellery to her including 1 gold set, 1 pair of gold kundal, 1 pair of gold ear rings, 1 silver Guliband and 1 silver pendant with chain besides 1 gold ring to the accused no.1. The accused persons gave 1 gold set, 1 gold jhumar, 1 gold nose nath 2 gold rings, 1 silver set and 1 silver *tika* to the complainant. The complainant was keeping the gold set on 01.01.2018 when she came to her parental home and rest of the jewellery is still with the accused persons.

It is further stated that after about one month of the marriage, the accused no. 1 asked the complainant to bring Rs. 2,00,000/- from her parents to purchase the

Tata Ace vehicle for plying the same on commercial basis. Seeing no other way, the complainant informed her father in this respect and he somehow managed the amount of Rs. 1,00,000/- and handed over the same to the accused no. 2, the father-in-law of the complainant but the accused persons were not satisfied and continued to torture and harass her.

It is further stated that the complainant's Jeth Imran Hussain i.e., the accused no. 4 was not in India at the time of the present marriage and as he was not happy with complainant's marriage with the accused no. 1 and upon his instructions his wife Smt. Shabana, the complainant's Jethani and accused no. 5 did not attend the said marriage and after coming to India, he and his wife left no occasion to torture the complainant and the accused no. 3, 5 and 6 put the whole load of the house hold work upon the complainant.

It is further stated that on 01.01.2018, the accused persons no. 1 and 3 sent the complainant to her parental home on the pretext that some "Sarkari Admi" would conduct the enquiry in the matrimonial home about the earlier marriage of the accused no. 1.

It is further stated that since 01.01.2018, the accused persons neither contacted the complainant nor bothered to bring her back to the matrimonial home.

It is further stated that on 08.02.2018, the complainant's father, brother Rais and cousin Munawwar went to her matrimonial home to talk to her in-laws in this respect but the accused persons flatly refused to bring back the complainant by saying that, "do whatever you want, we would not bring back the complainant unless the dispute of the earlier marriages of the accused no. 1 was solved".

It is further stated that seeing no other way, the complainant made complainants to the CAW Cell, Pitampura, Delhi, SHO PS Nihal Vihar and DCP, West but the the officials of CAW Cell did not accept the complaint of the complainant but after some time they called her.

As per the ATR filed by the I/c, CAW cell, it is stated that both the parties joined the counseling on 31.07.2018, 31.08.2018, both the parties joined the counseling. Efforts were made to reconcile the matter but could not succeed. On 24.09.2018, complainant gave her written statement in which she has stated that she

wanted to transfer her complaint at SSP Shamli (UP). As per her written statement, same complaint has been transferred to SSP Shamli (UP) after approval of senior official vide dispatch no. 2389/R/CAW/CELL, dated 03.10.2018.

Thereafter, status report was called from PS Thana Bhawan. On 13.12.2019, IO/SI Vikas Kumar has appeared from PS Thana Bhawan along with complete file of proceedings conducted there & reported that matter was referred to the mediation cell. On 24.02.2019, parties were called from mediation but the applicant did not turn up, however, the respondent Sikander did turn up and informed that proceedings are going on at Delhi. It appears that both complainant side and respondent side are willing for proceedings to be conducted at Delhi. Under these circumstances, I/C, CAW Cell/OD is hereby directed to proceed with the enquiry as per rules. As submitted by Ld counsel that the complainant is presently in Thana Bhawan and therefore, not in position to come to Delhi due to lockdown. Therefore, IO may interact with the parties through electronic mode using CISCO webex application / Whatsapp. He may also facilitate interaction between the parties through the said electronic mode. Ld. Counsel for complainant shall furnish mobile no. of complainant to the IO within 7 days from today. Copy of this order along with complete file of PS Thana Bhawana be also sent to I/C, CAW Cell/OD.

Put up for filing of status report on 05.08.2020


(Pankaj Arora)
MM-03 West/THC/Delhi