

32.

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

+ W.P.(CRL) 1222/2010

NIDHI MAHAJAN

..... Petitioner

Through Mr. Rajat Wadhwa, Advocate.

versus

STATE & ORS.

..... Respondents

Through Ms. Laxmi Chauhan, Advocate for Mr. Pawan Sharma, Standing Counsel along with Inspector Raj Kumar Singh, P.S. Moti Nagar. Mr. J.K. Bhola, Advocate for the complainant.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

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07.09.2010

1. Mr. Rajat Wadhwa, Advocate has shown me the original courier receipt. Photocopy of the said courier receipt will be placed on record. The original receipt is returned to Mr. Rajat Wadhwa, Advocate.
2. I have heard the counsel for the parties. A limited issue arises for consideration and, therefore, the matter is taken up for final disposal. There is also urgency in the matter.
3. The petitioner is the sister-in-law of the complainant Ms. Chetna Durga Mahajan, who has filed a complaint under Section 498-A/406/34 IPC, which has resulted in registration of FIR No. 185/2010, Police Station Moti Nagar, Delhi.
4. The petitioner is 27 years old and has received scholarship to study in France in French Language for the academic year 2010-11. The petitioner has placed relevant papers on record. Her course will be ending in the month of June, 2011. The FIR was registered only on 18th June, 2010 and is still pending investigation. Parties are also trying to resolve and settle their

differences.

5. Keeping in view the age of the petitioner, the scholarship she has got and balancing equities and interest of justice, it is directed as under:

(1) The petitioner is permitted and allowed to study abroad but will have to return to India on or before 10th July, 2011.

(2) The petitioner within one month from today will send details of her holidays/vacations to the SHO, Police Station Moti Nagar. In case Investigating Officer requires presence of the petitioner, he shall inform the parents of the petitioner and the petitioner will during vacations/holidays report to the Investigating Officer.

(3) Mother of the petitioner is present in the Court and states that she will deposit original title deed of property bearing part of third floor on plot No. 402, Hindustan Cooperative House Building Society now known as Guru Harkishan Nagar, New Delhi in this Court within two days. She states that the original title deed may be retained by this Court till the petitioner returns back to India in the month of July, 2011. She further states that in case the petitioner does not return back to India, she will be liable to pay Rs.5 lacs. She will file a surety bond in the form of an undertaking to the same effect before this Court within a period of two days. Copy of the surety bond will be furnished to the counsel for the complainant. In case the petitioner does not return back, suitable order to enforce the surety bond by sale of the property can be taken.

The writ petition is accordingly disposed of. Liberty is granted to the parties including the complainant to apply for modification of this order.

Copy of this order will be given dasti to the learned counsel for the petitioner under signature of the Court Master.

SANJIV KHANNA, J.

SEPTEMBER 07, 2010
VKR