

PLEADINGS UNDER CRIMINAL LAW

**IN THE COURT OF METROPOLITAN MAGISTRATE (DISTRICT _____),
DELHI**

BAIL APPLICATION NO. _____ OF 2017

IN THE MATTER OF :

STATE

COMPLAINANT

VERSUS

X _____ S/o _____ R/o _____

..... APPLICANT

FIR NO. _____

U/S _____

POLICE STATION _____

APPLICATION FOR GRANT OF BAIL UNDER SECTION 437 OF CR.P.C.

The accused above named most respectfully showeth :-

1. That the accused above named was arrested by the police on 1st January, 2010 and is in judicial custody since then. It is alleged that on 1st January, 2010, the accused was suspiciously moving on Baba Kharak Singh Marg, New Delhi when the police apprehended him, conducted the search and recovered 3 gms. of smack from his pocket.
2. That the accused has been falsely implicated in the instant case and he has nothing to do with the alleged offence.
3. That nothing was recovered from the possession of the accused or at his instance and the so called case property has been planted upon the accused.
4. That the accused is a law abiding citizen and belongs to a very respectable family. He has never indulged in any illegal activities and commands respect and admiration his locality.
5. That in November, 2015, the accused found some persons selling smack near Hanuman Mandir Cannaught Place, New Delhi. The accused immediately

reported the matter to police as the result of which police also arrested some of the persons. Since that time, those persons who were arrested at the instance of the accused, were threatening the accused to falsely implicate him in a criminal case in collusion with police. The accused made a complaint in this regard to the Dy. Commissioner of Police, true copy of which is annexed hereto as Annexure-A.

6. That after the said complaint, the accused was called by the Vigilance Department, Delhi Police who enquired into his complaint. True copy of the said notice issued by the Vigilance Cell is enclosed herewith as Annexure-B.
7. That it is unimaginable that the accused who made a complaint against the sellers of smack, would himself indulge in such activities.
8. That the accused is a permanent resident of Delhi and there are no chance of his absconding in case he is released on bail.
9. That there is no chance of the accused absconding or tempering with the prosecution evidence in the event of release on bail.
10. That the accused undertakes to join the investigation as and when directed to do so.
11. That the accused is not a previous convict and has not been involved in any case of this nature except the present case.
12. That the present case is a result of clear manipulation by the police.
13. That the accused from all accounts is an innocent person.

It is therefore respectfully prayed that the accused may kindly be released on bail during the pendency of this case.

APPLICANT

THROUGH

New Delhi.

Dated :

ADVOCATE

Note: to be supported by affidavit of Pairokar and Vakalatnama duly Attested by Jail Authorities.

* * * * *

**IN THE COURT SESSIONS JUDGE (DISTRICT _____), DELHI
TIS HAZARI COURTS DELHI**

ANTICIPATORY BAIL APPLICATION NO _____ OF 2017

IN THE MATTER OF;-

X _____ S/o _____ R/o _____ APPLICANT

VERSUS

STATE COMPLAINANT

FIR NO. _____ OF 2017

UNDER SECTION: _____

POLICE STATION _____

**APPLICATION FOR THE GRANT OF ANTICIPATORY BAIL UNDER
SECTION 438 OF THE CODE OF CRIMINAL PROCEDURE, 1973**

The Applicant above named most respectfully submits as under:-

1. That the Applicant is a youngman aged 20 years residing at _____, Delhi. He is also a Director of M/s. ABC Ltd. which is a very leading company engaged in the manufacture of electrical appliances.
2. The Applicant is a very respectable person of his locality and is a peace loving citizen.
3. That the Applicant was on friendly terms with Miss Y major daughter of the Complainant. However, the relationship of the Applicant with Miss Y was not liked by her family members so much so that they had stopped Y from meeting the Applicant and had threatened her that in case she meet the Applicant, they will implicate the Applicant in some false criminal case.
4. That Miss. Y had also written number of letters to the Applicant calling upon him to marry her as she had feared that her family members may sabotage her relationship with the Applicant, which shows that family members of Miss. Y were deadly against the Applicant and were looking for some opportunity to falsely implicated him in some false criminal case in order to pressurize him to severe his relationship with Y.
5. That on 5th January, 2010, the Applicant had gone to meet his friend, who is residing in the neighborhood of Miss. Y. When the Applicant reached the house of his friend, he was suddenly attacked by father, uncle and brother of Miss. Y as a result of which he fell down and sustained abrasion/injuries. The Applicant's friend came to the

rescue of the Applicant and with great difficulty, the Applicant was saved from the clutches of Miss. Y's family members by other neighbors and passersby.

6. That the police has registered a false FIR against the Applicant. A bare on perusal of the said FIR reveals that the brother of Miss. Y attacked the Applicant and not vice-versa. As a mater of fact, the aggressor has manipulated with the police and has falsely implicated the Applicant. The Applicant is in fact the victim at the hands of the Complainants who have conspired with the police and got this case registered against them. The Photostat copies of the letters written by Miss. Y to the Applicant are annexed herewith.
7. That the FIR registered against the Applicant is absolutely false and incorrect. The Applicant is not at all involved in the alleged offence and has been falsely implicated by the police.
8. That the Applicant apprehends that he may be arrested in pursuance of the aforesaid false and fictitious complaint.
9. That the police officials have visited the premises of the Applicant in his absence and there is every likelihood of his being arrested in the instant case.
10. That the Applicant undertakes to join the investigation as and when directed to do so.
11. That the Applicant is a permanent resident of Delhi and there is no chance of his absconding in case he is granted anticipatory bail.
12. That the Applicant has never been involved in any criminal case except the present one.

PRAYER

It is, therefore most respectfully prayed that the Applicant be reLeased on bail in the event of his arrest and appropriate directions in this regard may pLease by sent to the concerned Investigating officer/S.H.O. Any other order/orders which this Hon'ble Court may be deem fit and proper on the facts and circumstances of this case may also be.

APPLICANT

THROUGH

New Delhi.

Dated : _____

ADVOCATE

[**Note**: To be supported by affidavit]

* * * * *

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE
(DISTRICT _____), DELHI**

CRIMINAL COMPLAINT NO. _____ OF 2017

X _____ S/o _____ ... **COMPLAINANT**

VERSUS

Y _____ S/o _____ ... **ACCUSED**

JURISDICTION : P. S. _____

**COMPLAINT UNDER SECTION 138 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1881**

THE COMPLAINANT ABOVE NAMED MOST RESPECTFULLY SHOWETH :-

1. That the Complainant is the owner and landlord of flat bearing No. _____, New Delhi.

2. That the accused is a tenant under the Complainant in respect of flat bearing No. _____ New Delhi, comprising of two bed-rooms, drawing-cum-dining room, study room, kitchen-room, two bathrooms-cum-toilets and a terrace at a monthly rent of Rs. 2500/- for residential purposes w.e.f. _____. True copy of the Lease-deed dated _____ is annexed hereto as Annexure – ‘A’.

3. That on _____ the accused handed over cheque bearing Nos. _____ dated _____ for Rs. _____ drawn on _____ Bank, New Delhi to the complainant towards rent of the said premises for the months of September, October and November, 2015 the said original cheque is annexed hereto as Annexure – B.

4. That the Complainant deposited the said cheque in his account with the S_____ Bank of India, New Delhi on _____- but the same was dishonoured on presentation with the remarks ‘REFER TO DRAWER’. The original returning memos dated _____ in respect of the said cheque is annexed hereto as Annexure – ‘C’.

5. That vide letter dated 17th December, 2015, the Complainant called upon the accused to make the payment of the amount covered by the dishonoured cheque. The said letter was sent to the accused by Regd. A.D. as well as U.P.C. However, the accused failed to make the payment of the Amount in question to the Complainant.

6. That the cheque in question were returned unpaid because the amount standing to the credit in the Accused’s account was insufficient to honour the cheque in question and as such the Accused is liable to be prosecuted and punished under Section 138 of the Negotiable Instruments Act, 1881 as amended upto-date.

7. That the Complainant has complied with all the requirements of Section 138 of the Negotiable Instruments Act, 1881 as amended upto-date namely the cheque in question were

presented on _____ i.e. within the period of its validity, the demand for payment was made to the Accused on 17th December 2015 i.e. within fifteen days of the date or receipt of information regarding the dishonouring of the cheque. True copy of the said demand dated 17th December 2015 is annexed hereto as Annexure – ‘D’. The postal receipt and the U.P.C. thereof are annexed hereto as Annexure-E collectively. The accused failed to make the payment within fifteen days of the said notice and as such the Complainant has approached this Hon’ble court within one month of the date of the cause of action. The Complainant is therefore within time.

8. That the Hon’ble Court has jurisdiction to entertain and try the present complaint because the offence is committed within the jurisdiction of this Hon’ble Court. The dishonoured cheque was drawn on _____ Bank, Delhi the same was deposited by the Complainant in S _____ Bank, New Delhi and the intimation regarding the dishonour of the said cheque was also given by the said banks, and as such the offence has been committed within the jurisdiction of this Hon’ble Court.

It is, therefore most respectfully prayed that his Hon’ble Court may be pleased to summon the accused under Section 138 of the Negotiable Instruments Act, 1881 as amended upto-date and the Accused be tried and punished in accordance with law for the aforesaid offence committed by him.

New Delhi

COMPLAINANT

Date :

THROUGH

ADVOCATE

* * * * *

Note : List of witnesses to be mentioned at the end of the complaint or separately after writing short title of the complaint case –

1. Complainant;
2. Banker(s) of the complainant with record of the cheque.
3. Banker(s) of the accused with record of the cheque
4. Any other witness, if needed, as per the facts of the case

COMPLAINANT

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, DELHI.

CRIMINAL COMPLAINT NO. _____ OF 2017

IN THE MATTER OF :-

1. Smt. X _____ W/o Z. _____ R/o _____
 2. Master R _____ S/o Z _____ R/o _____
through his mother and natural guardian Smt X **COMPLAINANTS**
- VERSUS**
- Z _____ S/o _____ R/o _____ **RESPONDENT/ACCUSED**

**APPLICATION UNDER SECTION 125 OF THE CODE OF
CRIMINAL PROCEDURE, 1973**

The Complainant above named most respectfully submits as under :-

1. That Complainant No. 1 is the legally wedded wife of the Respondent while Complainant No. 2 is the legitimate son of the Respondent. Both the Complainants are residing within the jurisdiction of this Hon'ble Court.
2. That Complainant No.1 was married to the Respondent according to the Hindu Rites and ceremonies on _____ - at New Delhi and Complainant No. 2 was born out of their wedlock on _____. Complainant No. 2 is staying with Complainant No. 1 at present.
3. That Complainant No. 1 and Respondent stayed together after their marriage and for the last two years proceeding _____, they were staying at Delhi.
4. That sometime during the period June-July, _____, the matrimonial life of Complainant No. 1 and the Respondent got disturbed on account of the illegitimate affair of the Respondent with a girl named Mrs. A. Complainant No. 1 made best possible efforts to persuade the Respondent to desist from indulging in an affair outside their wedlock. However, the same had no effect on the Respondent. Rather, the behavior of the Respondent towards Complainant No. 1 became rude, cruel and oppressive, and finally on _____, the Respondent compelled Complainant No. 1 to leave the matrimonial home along with Complainant No. 2, since then, the Complainants are staying with Complainant No. 1's father.
5. That the Complainant No.1 has made repeated attempts to join the Respondent in the matrimonial home. However, the Respondent has refused to take back the Complainants and has clearly informed Complainant No. 1 that he was planning to

marry Mrs. A though the same is not permissible under law. As such, the Respondent has deserted the Complainants without any reasonable cause.

6. That the Respondent is liable to maintain the Complainants who have repeatedly requested the Respondent to provide them the appropriate maintenance. However, the Respondent has not only refused/neglected to maintain the Complainants, but has also refused to ever part with/return the articles belonging to Complainant No. 1 towards the dowry and Stridhan which are lying at the Respondent's house.
7. That the Respondent is a man of status and is working as a Wing Commander in Indian Air Force. He is getting monthly emoluments of about Rs. _____ per month and as such has sufficient means to maintain himself and the Complainants. He has no encumbrances or liabilities except that of maintenance of the Complainants.
8. That Complainant No. 1 has no independent source of livelihood and as such is unable to maintain herself. She is staying with her father at Delhi and as such both the Complainants are dependant upon him.
9. That Complainant No. 2 is a minor and is also staying with Complainant No. 1. He is studying in Delhi Public School, New Delhi, and his monthly expenditure including school fees, dresses etc. etc. is more than Rs. _____. Apart from this, Complainant No. 1 has also kept a maidservant to properly look after Complainant No. 2 and is paying her Rs. _____ per month which is presently being borne by her father.
10. That the Complainants are residing at Delhi. This Hon'ble Court therefore is competent to entertain and try this petition.

PRAYER

It is, therefore, most respectfully prayed that the orders for maintenance of the Complainants be passed in favour of the Complainant and against the Respondent directing the Respondent to pay the monthly allowance of Rs. _____ towards the maintenance of Complainant No. 1 and Rs _____ towards the maintenance of Complainant No. 2. The costs of these proceedings be also awarded to the Petitioner.

COMPLAINANTS

THROUGH

Delhi.

Dated : _____

ADVOCATE

(Note :- An affidavit is to be attached to this petition)

Note : List of witnesses to be mentioned at the end of the complaint or separately after writing short title of the complaint case.

COMPLAINANT

IN THE COURT OF SH....., PRINCIPAL JUDGE, FAMILY COURT,
DELHI

Application No...../2016

IN THE MATTER OF:

Sakshi & Anr.

... Applicant

Vs.

Manoj

...Respondent

REPLY ON BEHALF OF RESPONDENT TO THE APPLICATION U/S 125 Cr.P.C.

MOST RESPECTFULLY SHOWETH:

Preliminary Objections:

1. That, the contents of the application u/s 125 Cr.P.C. are wrong and vehemently denied, unless specifically admitted.

2. That, the petitioner has left the matrimonial company of the respondent without any justifiable cause and has also forcibly taken away his only son, because of which not only child is being deprived of the love and affection of his father, but even the respondent is being deprived of the company of his only child. It is submitted that the respondent wishes to continue his matrimonial ties with his wife, however, it is the applicant, who, due to the reasons best known to her, has withdrawn from the matrimonial company. Nor, it is further respectfully submitted that, she is coming forward to mediation, so as to peacefully settle the matter, which itself reflects her malafides. It is pertinent to mention here that when at the insistence of Ld. ASJ, KKD, before whom the application, on behalf of the husband and his 10 other relatives, for anticipatory bail in the FIR registered at the instance of the petitioner/wife for the offences punishable u/s 406/498 IPC, was filled, referred the case for mediation, the same was made to fail by demanding exorbitant amount of Rs. 50 lakhs. It is pertinent to mention here that father of the respondent is simply a Govt. servant, working as Sr. Supervisor. Therefore, such a demand was deliberately made to harass and humiliate the respondent/husband, instead of peacefully compromising the matter.

3. That, at the time of marriage with the applicant, the respondent was earning his livelihood by taking tuitions, which was not to the liking of the wife. Moreover, she was very suspicious in nature and always doubted the integrity of her husband vis-à-vis his girl-students. Therefore, she was in the habit of making calls to students, so as to remove her said doubts, pursuant to which she used to ask very ridiculous and uncomfortable questions from those students. Consequently, in order to save his matrimonial home, the respondent was left with no option but to discontinue those kind of tuitions of girl- students. It is submitted that that led to spoiling of the image of the respondent at the hands of his wife. Not only this, the petitioner/wife further asked the husband to look for another profession/business, since the

tutions, as source of earning for the respondent, was not to her liking, as stated above. It is submitted that it is the applicant, who persuaded the respondent to opt for the profession of property dealing, contrary to his (husband's) stature and taste, the respondent being always interesting in academics. It is worth mentioning here that earlier even the wife used to contribute in that profession of property dealing, because of which respondent used to earn something, however, after her leaving the matrimonial home and on account of drastic recession in properties the respondent is presently virtually starving, having no income at all. It is further pertinent to mention here that as on today he is not even able to meet his basic necessities, after having returned to his earlier source of income of 'tuitions'.

4. That, atrocities of the applicant are further apparent from the very fact that in collusion with her family members, more particularly her father, who happens to be a Govt. employee, as stated above, an FIR No. xyz/16 with PS Shakurpur u/s 406/498A/34 IPC, was got registered at her instance, wherein she has made false allegations, the contents of which are self explanatory in nature, as far as their implausibility is concerned and the same are reproduced as under for ready reference:

5. That, the respondent and his other family members have been deliberately falsely implicated in the case at the instance of the applicant, who is having matrimonial dispute with her husband, on account of temperamental differences, which is apparent from bare perusal of her complaint itself. It is submitted that Smt. A is sister of the husband; Smt. B, is mother-in-law of the applicant; Mr. C, Mr. D, Mr. E and Mr. F respectively are brothers of the respondent; Smt. G and Smt. H, are Sisters in law of the applicant; and Smt. J, is sister of father of the respondent. It is pertinent to mention here that all of them, except respondent, are residing separately from the applicant and, as such, by any stretch of imagination cannot be said to have committed any offence against the applicant, which itself reflects falsity of those allegations and the perversity of the petitioner herein roping them all due to revengeful attitude against the respondent on account of her temperamental differences.

6. That, it is further respectfully submitted that, the nature of above allegations, as made by the applicant in her complaint qua dowry demand and the so called expenditure incurred by her family members during the matrimonial ceremonies are apparently not commensurate to her own status, as her father is simply a Government employee and her mother is a housewife, more particularly when she has three other younger sisters and one brother. This aspect also shows that the only purpose of the applicant is to harass and humiliate the respondent by filing multiple litigations, when in reality she does not need any maintenance, as her father is owning lot of properties and she herself is also earning Rs. 25,000/- from the profession of beauty parlor, besides getting rent @ Rs. 15,000/- per month from the flat no. XYZ, ABC Vihar, Delhi, which was purchased jointly by the respondent and the applicant, but in the name of the applicant, during their matrimonial life prior to separation, wherein respondent had contributed 60% of the consideration.

7. That, it is pertinent to mention here that, in her said complaint the applicant has stated that 1500 number of people (approx.) attended the marriage function (which is factually

incorrect), for which Rs.6,50,000/- were borne by her father for the entire expenses, which amount is highly improbable (being quite less) keeping in view the gathering. It is submitted that this itself reflects that the applicant has exaggerated the things to such an extent, so as to bring the household dispute, if any, within the four corners of an offence under the IPC, which is not made out on the facts of the present case. It is submitted that keeping in view the source of earning of applicant family (which is a government service only), the false allegations of dowry/expenses have been made, without any corroborative evidence to that effect. Therefore, this aspect also reflects the ulterior motive of the applicant in filing so many litigations deliberately.

8. That, the allegations of the adultery, as made against the respondent, are also on the face of it highly implausible, more particularly because of the fact that they are against the wife of respondent's own brother, since none of such kind of allegations have either been made by his brother and/or by any other family members including his parents. It is reiterated that such an allegation, if having any kind of truth in it, would offend even other family members of the respondent also and more particularly his that brother. However, since that allegation is nothing but figment of imagination/perversity on the part of the applicant there is no truth in it. This aspect further reflects ulterior motive of the wife in filing such kind of litigations against the respondent.

9. That, the other allegations in the said FIR, made against the respondent qua his not taking care of applicant (more particularly during her pregnancy) and even his own child (who happens to be first baby in his family), are apparently based on surmises and conjectures and have been made deliberately to prejudice the law enforcing authorities. Similarly, similar allegations made against the respondent and his other family members are not only false, but highly improbable and implausible, more particularly when all of those family members are living altogether separately and leading their own respective lives. It is also worth mentioning here that none of those family members have ever made any alleged demand of dowry from their respective in-laws, therefore, it cannot be said that they would do such kind of thing with the in-laws of the respondent. This aspect also substantiates the said contentions of the respondent.

10. That, the allegation of even watching of pornography by the respondent alongwith his about 4 years old child, as made in that FIR, is also highly improbable, which also shows as to how far the applicant is perverse in making allegations to such an extent. In respect of the allegation of abortion of the first child on account of negligence of the respondent and his family members, it is submitted that, the same are absolutely false and baseless, since the applicant is suffering from an ailment called *Thalassemia*, which she has inherited from her mother, which is a form of inherited autosomal recessive blood disorders characterized by abnormal formation of haemoglobin. The abnormal haemoglobin formed results in improper oxygen transport and destruction of red blood cells. It is submitted that the said abortion was result of that ailment, as informed to the respondent. In fact, it is respectfully submitted that, this ailment of the applicant was concealed by her parents at the time of her marriage from the respondent husband and his family, but as a loving husband this concealment was ignored and the same was never brought into their relationship of husband-wife. On the other hand, the applicant has made such frivolous allegations due to ulterior motives. In respect of other allegations, it is submitted that, the respondent craves leave to make the submissions during

the course of oral arguments, without burdening/ making bulky the present reply. It is respectfully submitted that these submissions clearly reflect as to how much the respondent loved the applicant and wanted to continue with the relationship, but it was wife, who, due to the reasons best known to her, is bent upon in breaking the same.

11. That, in fact, right from the beginning, whenever there was a quarrel between the husband and wife, on account of incompatibility on the part of applicant, she used to threaten that she would see that the husband and his other family members are behind the bars, which she has done by way of the getting registered the above mentioned FIR. Therefore, this approach of the applicant also does not entitle her the relief prayed in the present application.

Reply on merits

1&2. That the contents of paras 1&2 of the application need no comments.

3. That the contents of para 3 of the application are wrong and denied and what is stated above is reiterated. It is denied that there was any effort whatsoever on the part of the applicant in saving the matrimonial life. It is pertinent to mention here that after the marriage between the parties respondent got separated from his family and started living at DEF, Vihar, Delhi (where presently the respondent/husband is residing, while taking financial and other help from his mother, who is living altogether separately with her youngest son). However, at the instance of her family members, including her father and sisters, on account of her incompatible nature, she left the matrimonial home in April, 2014, basically on the ground that the husband is not earning as per her expectations. It is pertinent to mention here that for that very reason she made respondent husband to change even his profession of tuitions to property dealing. Not only this another bone of contention was that the husband was not ready to shift to the side/area of applicant's parental home, after procuring his share from his mother from the property. Therefore, it is denied that the respondent threw the applicant out of matrimonial home and that subjected her to any kind of harassment whatsoever.

4. That the contents of para 4 of the application are wrong and denied and what is stated above is reiterated. It is denied that the respondent ever backed out from his any kind of responsibility out of his limited resources. It is further denied that there was any question of the applicant requesting the respondent in this regard.

5. That the contents of para 5 of the application are wrong and denied and what is stated above is reiterated. It is denied that the application is not capable of sustaining herself on her own. In this regard the contents of above mentioned para no. 6 of preliminary objections are reiterated.

6. That the contents of para 6 of the application are wrong and denied and what is stated above is reiterated. It is denied that the respondent refused any kind of support to the applicant, however, due to his present pathetic situation, because of his traumatic mental state, deep depression and mental agony, on account of the conduct of applicant, the respondent is not in a position to sustain even himself. It is reiterated that even for his food and other day to day needs he has to look to his mother.

7. That the contents of para 7 of the application are wrong and denied and what is stated above is reiterated. It is denied that the applicant along with her son is living in misery. In this regard what is stated in para no. 6 of preliminary objections is reiterated

8 & 9. That the contents of paras 8&9 of the application are admitted to the extent they are matter of record, but rest of the contents are wrong and denied and what is stated above is reiterated.

10. That the contents of para 10 of the application are wrong and denied and what is stated above is reiterated. It is denied that the respondent is a man of means and that he has neglected his any kind duty and responsibility whatsoever. Rather, the facts are other way round. Due to her incompatible attitude and selfish nature (always thinking about her own comforts) she left the matrimonial home, which is further substantiated from the very fact that husband is till date ready for mediation but the wife, in connivance with her family members, more particularly her father, is not willing at all.

11. That the contents of para 11 of the application are wrong and denied and what is stated above is reiterated.

12. That the contents of para 12 of the application are wrong and denied and what is stated above is reiterated. It is denied that the husband owns the properties mentioned in this para. This fact may be verified even from the official records of the Govt.

13. That the contents of para 13 of the application are wrong and denied and what is stated above is reiterated. It is denied that the respondent is earning any rental income, more particularly, when he is not owning any property at all. Not only this, it is also denied that the respondent is engaged in the business of property dealing. In this regard what is stated in the opening paras of this reply is reiterated.

14. That the contents of para 14 of the application are wrong and denied and what is stated above is reiterated. It is denied that the respondent owns the properties mentioned in this para and/or that he is earning any rental income. This fact may also be verified even from the official records of the Govt.

15. That the contents of para 15 of the application are wrong and denied and what is stated above is reiterated. It is denied that the respondent is leading the lifestyle, as stated in this para. . It is denied that the respondent owns the properties mentioned in this para, including the car and the bike. This fact may also be verified even from the official records of the Govt. It is also denied that he visits any restaurant whatsoever.

16. That the contents of para 16 of the application are wrong and denied and what is stated above is reiterated. It is denied that the petitioner is having any chit fund whatsoever.

17. That the contents of para 17of the application are wrong and denied and what is stated above is reiterated. In fact contents of para 17 of the application show the perversity and sick attitude of the wife. It is denied that any criminal case whatsoever was registered against the respondent and/or his family members, as stated in this para. It is further denied that the respondent and his family members are attuned to the Court proceedings.

18&19. That the contents of paras 18&19 of the application are wrong and denied and what is stated above is reiterated. It is denied that the applicant is not able to maintain herself. It is further denied that the applicant is undergoing depression and/or mental agony. Rather the facts are other way round. The applicant is enjoying her life, having a kind of *Lakshya* (aim) in her life in the form of her son, whose love and affection the respondent has been denied, because of which he is under deep depression and in a traumatic state.

20. That the contents of para 20 of the application are wrong and denied and what is stated above is reiterated. It is reiterated that the respondent is not able to even sustain himself, because of the facts stated above.

21. That last para under the title 'PRAYER' is prayer clause, which is liable to be rejected/dismissed, in view of foregoing facts, with costs.

PRAYER

It is therefore respectfully submitted that the present application be dismissed with costs, in the inetersts of justice.

New Delhi

Through

Respondent

Advocate

**REJOINDER TO THE REPLY TO THE APPLICATION UNDER SECTION 125
Cr.PC**

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, DELHI.

IN RE :

Ms. X

APPLICANT

VS.

Mr. Y

RESPONDENT

**REJOINDER TO THE REPLY FILED ON BEHALF OF THE
RESPONDENT TO THE PETITION U/S 125 CR.P.C**

MOST RESPECTFULLY SHOWETH :

REJOINDER TO THE PRELIMINARY OBJECTIONS:

1. That contents of para 1 of the preliminary objections are absolutely false and vehemently denied and what is stated in the application u/s 125 Cr.P.C is reiterated. It is submitted that despite the applicant being harassed for bringing insufficient dowry she did not opt for getting registered a case against her husband and his other family members for the offences punishable u/s 406 & 498A IPC with the intention of sorting out the matter peacefully and in fact persuaded this Hon'ble Court to direct the respondent to keep her (petitioner) in his matrimonial company, but instead of honouring the same he again kicked her out of the matrimonial home due to ulterior motives in connivance with other family members. Not only this even a divorce petition has been filed by the respondent against the petitioner.

2. That contents of para 2 of the preliminary objections are absolutely false and vehemently denied and what is stated in the application u/s 125 Cr.P.C is reiterated. It is reiterated that the respondent not only refused and neglected his marital obligations towards the applicant but has also withdrawn in connivance with his other family members from the society of his wife due to ulterior motives, since she failed to fulfill their expectations of bringing sufficient dowry.

3. That contents of para 3 of the preliminary objections are absolutely false and vehemently denied and what is stated in the application u/s 125 Cr.P.C is reiterated. the conduct of the respondent and his family members itself substantiates the allegations of the applicant which are denied by the respondent in his reply. It is submitted that it is not denied that the applicant is a well qualified person, however, by misrepresenting about the education of the respondent she was enticed to get married. However, despite that keeping in view the Hindu Culture the applicant

forgot the concealment and deception played against her at the instance of respondent and his family members. But when they found that their expectations of sufficient dowry are not being fulfilled they started harassing her in order to get rid off her. It is worth mentioning here that the matter was never brought to the notice of the police, however, when the directions of this Hon'ble Court to the respondent to resume the marital relationship were not complied with and in turn a divorce petition was filed by the husband, intentions of not keeping her were made crystal clear. In this scenario the applicant had no option but to bring it to the notice of police about the atrocities committed by the respondent and his family members.

4-5 That contents of paras 4 & 5 of the preliminary objections are absolutely false and vehemently denied and what is stated in the application u/s 125 Cr.P.C is reiterated. It is respectfully submitted that the kind of allegations made in these paras themselves reflect the false excuses being taken by the respondent, since they did not provide any kind of justification to the husband to leave the applicant and take divorce from her. It is vehemently denied that the applicant ever insisted the respondent to leave the job in Jaipur and to shift Delhi with the help and guidance of her father. Rather the facts are other way round. It is further denied that the applicant ever behaved like a schizophrenic person. Rather the husband never took care of the applicant and left her at the mercy of her parents at the time of delivery of the child and as such the expenditure for that was borne by them (applicant's parent).

6. That contents of para 6 of the preliminary objections are absolutely false and vehemently denied and what is stated in the application u/s 125 Cr.P.C is reiterated. It is vehemently denied that the fact that the respondent stayed at the parental house of the respondent for six months reflects his caring nature. In fact respondent was totally dependent upon applicant's family during that period, having no intention to stay at any other place in Delhi. In order to save his money the respondent stayed at the applicant's parents' house, who had no option but to accommodate him, he being their son in law. With regard to the statement, as made in the reply, to the effect that the respondent was forced to drink and smoke by applicant's elder brother, it is submitted that it is not only implausible, but also reflects the character of the husband and as such needs no comment except a denial on the face of human nature on this aspect of this matter.

7. That contents of para 7 of the preliminary objections are absolutely false and vehemently denied and what is stated in the application u/s 125 Cr.P.C is reiterated. It is needles to mention that facts qua harassment to the respondent, the way it is narrated in this para, are highly implausible and improbable hence need mere denial without any explanation.

8. That contents of para 8 of the preliminary objections are absolutely false and vehemently denied and what is stated in the application u/s 125 Cr.P.C is reiterated. The conduct of the respondent, despite the directions of this Hon'ble Court to resume the matrimonial relationship, itself belies the statements as made in this para. It is specifically denied that the respondent ever tried to contact the applicant, rather with the intention of leaving her he deserted her for all the time to come.

9. That contents of para 9 of the preliminary objections are absolutely false and vehemently denied and what is stated in the application u/s 125 Cr.P.C is reiterated. It is vehemently denied that either the applicant or her father ever told the respondent to come to Delhi and stay there. Rather family members of the applicant are strictly against in keeping the respondent as “ *Ghar Jamaai*” ,since they believe in Hindu Culture, wherein the daughter looks goods at her matrimonial home only.

10. That contents of para 10 of the preliminary objections are absolutely false and vehemently denied and what is stated in the application u/s 125 Cr.P.C is reiterated. It is denied that the applicant is working as sales man anywhere and earning about Rs. 2,000/- per month. With regard to the neglect and refusal on the part of the respondent to maintain the applicant it is submitted that his conduct as narrated in the application and before this Hon’ble Court is self explanatory. With regard to the salary certificate of the respondent it is submitted that since the same has not been supplied to the applicant nothing can be said about that, but in this regard what is stated in the corresponding para of the application is reiterated.

REJOINDER TO REPLY ON MERITS

1-2. That the contents of paras 1 & 2 need no reply.

3. That the contents of para 3 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application is reiterated. In any case acceptance of FD of Rs. 20,000/- in the name of the applicant is not denied by the respondent, though besides that they had taken the cash and jewellery also, regarding which even statement has been made by them before the “ Crime against Women Cell” .

4. That the contents of para 4 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application is reiterated. Admission by the respondent of being only 10th passed clearly reflects that facts were misrepresented before the applicant and her family members before marriage. However despite all these concealments the petitioner wanted to continue with the relationship and did her best and a daughter was also born out of the said wedlock. But the respondent and his family members out of greed did not intend to keep the applicant any more when they found that their expectation of sufficient dowry would not be fulfilled.

5. That the contents of para 5 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and in the rejoinder to the preliminary objections is reiterated.

6. That the contents of para 6 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application is reiterated. With regard to the denial by the respondent of the applicant finding it difficult to maintain herself and her daughter, it needs no reply in view of today's expensive world, more

particularly when child is too small. With regard to the contention of respondent's earning it is submitted that the applicant may be put to strict proof of the same. In any case it is submitted that it is shameful on the part of a father to take such kind of stance in order to avoid his liability to maintain his own child.

7. That the contents of para 7 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections is reiterated. With regard to the denial of the fact on the part of applicant's father to reconcile the matter it is submitted that conduct of the respondent itself before this Hon'ble Court is self explanatory.

8. That the contents of para 7 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections is reiterated. It is denied that the applicant no. 1 committed any kind of cruelty by not allowing the respondent to meet his daughter. Rather the things are other way round he always ignored her, which is also apparent from the present reply, wherein false and frivolous pleas are being taken to avoid the liability to maintain the daughter. Not only this there are other ways also to achieve the purpose of meeting the daughter, which the respondent has never followed.

9. That the contents of para 9 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections is reiterated. It is specifically denied the said FDR of Rs. 20,000/- was encashed by the petitioner no. 1 and utilized by her. It is reiterated that the same was appropriated by the respondent and his parents.

10. That the contents of para 10 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections is reiterated. The conduct of the respondent before this Hon'ble Court and his subsequent filing of divorce petition belies his stand that his ready and willing to welcome both the petitioners at his house in Jaipur.

11. That the contents of para 11 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections is reiterated.

12. That the contents of para 12 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections is reiterated. It is submitted that the respondent put to strict proof of the contents of this para of the reply, failing which appropriate action may kindly be taken against him.

13. That the contents of para 13 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections is reiterated.

14. That the contents of para 14 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections and in foregoing paras is reiterated.

15. That the contents of para 15 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections and in foregoing paras is reiterated.

16. That the contents of para 16 of the reply on merits are wrong and denied and what is stated in the corresponding para of the application and rejoinder to the preliminary objections and in foregoing paras is reiterated.

The last para is a prayer, which in view of foregoing submissions is liable to be rejected and consequently what is stated in the prayer clause of the application is reiterated.

APPLICANT

THROUGH

COUNSEL