

**Order Below Exh. 1 in Cri. B. Appln. No. 65/2022**  
**(CNR NO. MHNS010001872022)**

Tejas Mukund Narute & 5 others Vs. State.

**Heard:** Ld. Adv. Mr. A. C. Pradhan for the applicants.

Ld. A.P.P. Ms. S. S. Sangle for the State.

1. This is an application under section 438 of the Code of Criminal Procedure in Crime No.283/2021 registered at Upnagar Police Station, Nashik for the offence under sections 498-A, 406, 323, 504 & 506 r/w Sec.34 of the Indian Penal Code. It is the case of prosecution in brief that the applicants/accused (husband and in-laws of the complainant) inflicted physical and mental cruelty on her.

2. Ld. Adv. for the applicants has submitted that a false complaint has been filed against the applicants and that there is no necessity for custodial interrogation. They have complied with the terms and conditions imposed by the Court while granting interim relief. There is three years' delay in lodging FIR. The complainant had taken her entire *Stridhan* when she left the matrimonial house three years back. The Bank records of the joint account of the complainant and her husband show that she used to withdraw money regularly from the joint account even after she left the matrimonial home. This complaint is filed as an after-thought after the complainant's husband filed a divorce petition against her.

3. Per contra, Ld. A.P.P. has opposed the application on the ground that custodial interrogation of the applicants is necessary. The applicants have yet to return the *Stridhan* of the complainant.

4. Applicants have complied with the terms and conditions imposed by the Court and co-operated with the investigating agency. Offence is primarily under section 498-A of the I.P.C. Therefore, in view of the guidelines laid down by the Apex Court in the case of **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273**, I am inclined to allow the application subject to the following terms and conditions.

**ORDER**

- 1) Application is allowed.
- 2) Interim order dated 15/01/2022 passed below Exh.4 is hereby confirmed on the same terms and conditions along with the condition that the applicants shall return the *Stridhan* (if any) of the victim.

Nashik  
25/01/2022

Mridula Bhatia  
District Judge-2 and Additional  
Sessions Judge, Nashik.