

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 5314/2022

Ritvik Sharma S/o Shri Jitendra Kumar Sharma & Anr.

-----Petitioners

Versus

State Of Rajasthan, Through PP & Anr.

-----Respondents

For Petitioner(s) : Mr. Divyesh Maheswari

For Respondent(s) : Mr. Babu Lal Nasuna, PP

HON'BLE MR. JUSTICE FARJAND ALI (V.J.)

Order

24/06/2022

Learned counsel for the petitioners submits that the marriage of the complainant-respondent with the petitioner Ritvik Sharma got solemnized in the year 2015 and they spent their married life with full mirth and merriment without there being any complaint of cruelty or harassment. A baby boy was begotten by the complainant-respondent in the year 2018. Everything was going on smoothly, however, because of the temperamental differences and owing to some discord of common petulance, the relationship between the spouses became strained and soar and thus, the petitioner moved an application dated 07.07.2021 under Section 13 of Hindu Marriage Act for dissolution of the marriage solemnized in between them in the Family Court, Hathras, Uttar Pradesh in which notices have been issued.

Irked by the action taken by the petitioner regarding institution of petition, the complainant lodged an FIR No. 102/2021 dated 27.09.2021 at Police Station Mahila Thana, Sawaimadhopur for accusation of committing offence under Sections 498A, 406, 420 & 504 IPC. The investigation of the matter is underway. The petitioner was cooperating with the

investigation, however, only with a view to mount pressure upon him and to pressurize him to come up on the conditions of the complainant, a false case bearing FIR No. 142/2022 has also been lodged at Police Station Mantown, Sawaimadhopur and in connivance with the police officers, efforts are being made to arrest the petitioners dehors the procedure established by law and without making compliance of Section 41 of Cr.P.C. and by flouting the direction passed by Hon'ble the Supreme Court in the case of **Arnesh Kumar v. State of Bihar & Anr. [(2014) 8 SCC 273]**. He, thus, submits that the petitioner is entitled to be given protection of pre-arrest bail.

Learned Public Prosecutor has opposed the bail application.

Heard. Perused the entire material made available on record.

Considering the overall submissions and after anxious consideration of the material, this Court deems it appropriate to direct the petitioners to appear before the Investigating Officer on or before 17.07.2022. The Investigating Officer then make thorough investigation from the petitioners and then send his report for the perusal of this Court.

Learned Public Prosecutor is directed to call for the case diary on the next date of hearing.

List the matter on 25.07.2022.

In the meanwhile, the petitioners shall not be arrested.

सत्यमेव जयते

(FARJAND ALI (V.J.)),J