

Arvind Kumar

Vs

Arun Lata

Criminal Miscellaneous Petition Nos. 5303-04 of 1985

(M. M. Dutt, O. Chinnappa Reddy JJ)

10.04.1987

ORDER

1. On February 20, 1985 in Transfer Petitions (Cri) Nos. 71 and 72 of 1984 we made the following order :

"It is agreed by both the parties that all the cases filed by each of them against the other will forthwith be withdrawn. It is also agreed that Mr. Arvind Kumar will pay a sum of Rs. 200 per month regularly for the maintenance of their only son Nipun. The payments shall commence from March 1, 1985. The parties have undertaken to withdraw all the cases. The petitions are disposed of accordingly."

2. One of the cases which was withdrawn by the wife pursuant to our order was a complaint of theft made by her which was then under investigation. She along with some others had also filed writ petition complaining that the police were not investigating into her complaint. In that writ petition appropriate directions were given and the writ petition was disposed of. Subsequent to our order dated February 20, 1985 the wife has filed a civil suit for recovery of the amount of dowry said to have been paid to the husband and for recovery of certain articles of furniture, utensils and jewellery said to belong to her which according to her allegation had been taken away by the husband. The husband has moved this Court contending that the filing of the suit is in breach of our order dated February 20, 1985 and therefore the wife should be punished for contempt. We do not think that we can do so. It is true that the criminal case was launched by her on the allegation of theft of the very articles which she now seeks to recover by filing a civil suit. We do not see how the filing of the suit is in breach of our order and how the suit can possibly be said to be barred by our order. There is no merit in these petitions which are accordingly dismissed.

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