

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-6983 of 2013
Date of decision : 31.01.2017**

Sandeep and ors.Petitioners

versus

State of Haryana and anr. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ajay Shekhawat, Advocate
for the petitioners

Mr. D.R. Singla, DAG, Haryana

Mr. Mohit Garg, Advocate
for respondent No. 2

RITU BAHRI, J. (Oral)

Prayer in the present petition is for quashing of F.I.R No. 53 dated 23.02.2012, under Sections 498-A/406 IPC, registered at P.S. Beri, District Jhajjar.

This Court dismissed the petition qua petitioner no. 1 to 3 as there are specific allegations against them and notice was issued only qua petitioner no. 4, who is said to be the nephew of petitioner No. 1 and is said to be a student and living separately.

As per allegations contained in the F.I.R, petitioner No. 4 used to taunt and harass the complainant. Further he had beaten the complainant and thrown away from the matrimonial house.

Learned counsel for petitioner No. 4 submits that the allegations against petitioner No. 4 are general in nature. Further he is

nephew of petitioner No. 1 and is a student.

As per reply filed by the State, the prosecution has filed a final report against the petitioners on 24.05.2012 and as per report, prima facie charge under Section 498-a/406 IPC is likely to be framed by the learned trial Court against the petitioners. After investigation, Rajwanti, Saroj and Sharmila were found innocent and they were not arrested.

Heard learned counsel for the parties. The allegations against petitioner No. 4 are general in nature and thus, reference at this stage can be made to a judgment of Hon'ble the Supreme Court in a case of ***Preeti Gupta v. State of Jharkhand***, 2010(7) SCC 667 whereby it has been observed that a general attempt is made by the complainant to rope the in-laws in criminal proceedings. This infact is a process to extract money on account of matrimonial dispute between the complainant and her husband. In para 30 to 35, it has been observed as under:-

30. It is a matter of common experience that most of these complaints under section 498A Indian Penal Code are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bonafide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

31. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned

members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

32. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

33. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to

remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.

34. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases.

35. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law. We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law & Justice to take appropriate steps in the larger interest of the society.

So, the allegations levelled by the complainant against petitioner No. 4 are all general in nature. Further, petitioner No. 4 was not the beneficiary of dowry articles, which as per the complainant demanded by the petitioners, as petitioner No. 4 is a nephew of petitioner No. 1 and is a student

Applying the ratio of the above mentioned judgment, F.I.R No. 53 dated 23.02.2012, under Sections 498-A/406 IPC, registered at P.S. Beri, District Jhajjar, is quashed along with all consequential proceedings arising therefrom qua petitioner No. 4 .

The petitions stand disposed of.

Further the learned trial Court is directed to proceed with the trial in accordance with law against the remaining accused.

31.01.2017
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>