

Rajesh Kalan and another

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Virender Soni, Advocate
for the petitioners

Mr. Saurabh Mohunta, DAG Haryana

Mr. Dinesh Jangra, Advocate
for the complainant

Sudhir Mittal, J. (Oral)

The petitioners are in-laws of deceased Manisha, who was married to their son. The marriage was solemnized on 19.06.2017 and she died on 29.05.2020 leading to registration of FIR No. 131 dated 29.05.2020 registered under Sections 304-B, 34 IPC at Police Station Uchana, District Jind.

In the FIR the complainant i.e. father of deceased, has stated that his daughter was being harassed by her in-laws and husband on account of dowry and that the family had received SMS a day earlier revealing the distraught mental state of Manisha. She had begged her younger brother to come to her matrimonial home the next day. However, the next day they were informed by the in-laws that Manisha had died on account of hanging.

Learned counsel for the petitioners has submitted that the marriage was three years old. Apart from the present FIR, there is no earlier complaint of harassment. Even in the present FIR no details of harassment and dowry demand have been mentioned and only general allegations have been made. He further

submits that Manisha was caught talking to a boy and, therefore, she committed suicide being ashamed. The husband has already been arrested and the mobile phone of the deceased has been recovered. Thus, custodial interrogation of the petitioners is not necessary.

The petition has been opposed by the State as well as by the complainant who is represented through counsel.

Learned counsel for the complainant has supplied copies of SMS dated 28.05.2020 referred to in the FIR as well as SMS dated 27.05.2020 and has argued on the basis thereof that deceased Manisha was under great mental stress on account of conduct of the in-laws and her husband. She had begged her brother to come to the matrimonial house definitely on the next day.

The fact that dead body of Manisha was discovered on the next day speaks volumes of the conduct of her in-laws and husband. The petitioners have been squarely blamed in the SMS aforementioned and they can not escape the consequences of their conduct saying that no recovery is to be effected from them. I have gone through SMS dated 28.05.2020 as well as SMS dated 27.05.2020. Both these messages show that deceased Manisha was scared and distraught. The words of the aforementioned messages reveal her emotions in some measure. From the said evidence it is clear to me that Manisha was being tormented and the petitioners and her husband were equally to blame for her mental state. The argument of counsel for the petitioners that disagreement took place between her husband and Manisha on account of the fact that she was found speaking with a male friend because of which she was in a agitated mental condition, does not appeal to the Court. A minor incident of this nature can not result in the kind of mental state in which Manisha was when she sent SMS to her family.

Even though there is nothing on record to indicate earlier complaint of

Mansiha was not being subjected to harassment. Reliance upon order dated 18.06.2020 passed in CRM-M-13808-2020 titled as ***Dheeraj vs. State of Haryana*** by learned counsel for the petitioner is misplaced as in the said case there was no evidence of the nature discussed in the present case. Dowry death is a very serious malady with which our Society is afflicted. Thus, the petitioners do not deserve any discretionary relief.

The petition is, accordingly, dismissed.

July 21, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No