



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.02.2022

PRONOUNCED ON : 01.03.2022

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

CRL.O.P.No.24404 of 2016

and

CrI.M.P.No.11648 of 2016

1. Hriday Ravindranath
2. Anjana Ravindranath
3. Ravindranath Vasudev

... Petitioners/Accused

Vs.

1. State Rep by its,
Inspector of Police,
W-19, All Women Police Station,
Adyar,
Chennai - 600 020.

..1st Respondent/Complainant

2. Mandira Bansal

..2nd Respondent/Defacto Complainant

Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records in Crime No.4 of 2016 on the file of first respondent and quash the same.

For Petitioners : Mr.S.Ashok Kumar
for Mr.Abudu Kumar Rajaratnam

For R1 : Mr.R.Murthi
Government Advocate

For R2 : M/s.S.P.Arthi

ORDER

This Criminal Original Petition is filed to call for the records in Crime No.4 of 2016 on the file of first respondent and quash the same.

2. First Information Report in Crime No.4 of 2016 was



registered on the basis of the complaint given by the second respondent/defacto complainant. The allegations made on the complaint in brief, are as follows,

The marriage between the petitioner and the second respondent was love cum arranged marriage. Initially a simple Arya Samaj Wedding was celebrated. At the insistence of the first petitioner and his parents, the second respondent's parents hosted a large scale ceremonious wedding and a grand reception was held at five star hotel in the outskirts of Chennai at an exorbitant cost. First petitioner's mother, viz., Anjana told the second respondent's father to gift substantial quantities of diamonds. Second respondent's parents obliged and spent their life savings on her wedding and wedding gifts. First petitioner and his mother also complained that the marriage was not done as per their expectations and after marriage, abused the second respondent and her parents as stingy and they did not shower enough gifts. First petitioner was employed with British Telecom in London and after marriage, they had shifted to London. First Petitioner insisted the second respondent's father to provide money for her initial sustenance at London. Second respondent's father gave him GBP 5000 in cash. First petitioner demanded the second respondent's parents to provide him TV and her parents transferred funds for the purchase of TV. Second respondent was engaged in fashion designing in India and she earned substantial monies for the first petitioner. She was compelled to give up her growing business and the first petitioner abused her on a daily basis. He considered that it is a waste of money to feed and shelter the second respondent. He openly declared that he married the second respondent for money and claimed to be disappointed that she did not earn much money. She earned GDP 18000 while in UK and deposited it in joint account and that was appropriated by him. First petitioner abused her in most vulgar manner on daily basis. He wanted her to bring money from her family to support his extravagant lifestyle. First petitioner's mother justified the demands and the first petitioner manhandled her several times. He used to address her as "Bastard" "Fucker" "Prostitute" very frequently and has done so in front of his friends and family members. He had also abused her parents. He was addicted to drugs and it has affected his normal sexual life and he was not able to perform intercourse with her. But he blamed the second respondent that she did not arouse his feelings and hold her responsible for his failure. He would vent his frustration of inability to perform normal sexual obligations by abusing her sexually including in sodomy and despite his shortcoming in sexual life, he visited commercial sex workers and invited elite masseuse home when she was away. First petitioner's parents would abuse her incessantly and claim that girls from their community would bring in more dowry. His father was an alcoholic and first petitioner has warned the second respondent that he is a womaniser and advised



her to stay away from him. First petitioner refused to maintain her and even surrendered the lease of their house at London and forced the second respondent to return to India. Through his lawyers in UK, he has been openly demanding money from her and her family members and also writing threatening letters through his lawyer. On the basis of the complaint, a case in Crime No.4 of 2016 under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961 was registered by the Inspector of Police, W-19, All Women Police Station, Adyar, Chennai. Challenging the First Information Report, this quash petition is filed.

3. Learned counsel for the petitioners submitted that the second respondent filed divorce petition before the Family Court at Brentford in UK. It was ordered on 19.04.2016 that the marriage between the first petitioner and the second respondent has broken down irretrievably and decreed that the said marriage be dissolved unless sufficient cause be shown to the Court within six weeks from the making of this decree why such decree should not be made absolute. Thereafter, on 26.08.2016, she was ordered to make payment to the petitioner a sum of £4,000 by 16.00 on 16.09.2016. In default to pay this amount, her application shall be dismissed. Only after this order was passed, the first petitioner had given the present complaint. Prior to this complaint, there was a complaint given on 02.07.2016. In the said complaint there is no allegations against the first petitioner's father. When the present complaint was given on 03.10.2016, serious allegations against first petitioner's father was made stating that he is a womaniser. In the divorce petition filed before the Family Court at Brentford in UK, none of the allegations made in the present complaint found a place. Thus, it is apparent on the basis of the record that the present complaint, is a motivated and false complaint given only with a motive to harass the first petitioner and his parents. Therefore, it has to be quashed. In support of his submission, he placed a judgment of the Hon'ble Supreme Court of India in *Kahkashan Kausar @ Sonam and others -vs- State of Bihar and others* reported in 2022 SCC OnLine SC 162, wherein, it is observed that,

"12. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of Section 498A of IPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid state intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions



such as 498A IPC as instruments to settle personal scores against the husband and his relatives.

13. This Court in its judgment in Rajesh Sharma v. State of U.P., has observed:-

"14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the statement of Objects and Reasons of the Act 46 of 1983. The expression 'cruelty' in Section 498A covers conduct which may drive the woman to commit suicide or cause grave injury (mental or physical) or danger to life or harassment with a view to coerce her to meet unlawful demand. It is a matter of serious concern that large number of cases continue to be filed under already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualized. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement."

14. Previously, in the landmark judgment of this Court in Arnesh Kumar v. State of Bihar, it was also observed:-

"4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-A IPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A IPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In a quite number of cases, bed-ridden grandfathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested."

15. Further in Preeti Gupta v. State of Jharkhand, it has also been observed:-

"32. It is a matter of common experience that most of these complaints under Section 498A IPC are



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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 bona fide 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.

33. 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 498A 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.

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

35. 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 scrutinized with great care and circumspection.

36. 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



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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."

16. In Geeta Mehrotra v. State of UP, it was observed:-

"21. It would be relevant at this stage to take note of an apt observation of this Court recorded in the matter of G.V.Rao v. L.H.V. Prasad reported in (2000) 3 SCC 693 wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that:

"there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their cases in different courts." The view taken by the judges in this matter was that the courts would not encourage such disputes."

17. Recently, in K.Subba Rao v. The State of Telangana, it was also observed that:-

"6. The Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out."

18. The above-mentioned decisions clearly demonstrate that this court has at numerous instances



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express concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them."

4. In response, learned counsel appearing for the second respondent submitted that the form of pleadings and proceedings in matrimonial matters between India and UK are totally different. It is clearly mentioned in the divorce petition that the first petitioner has financially controlled the second respondent; he left her on two occasions and added to her insecurity; he was unsupportive in patronising towards her; his silence towards her and refusal to communicate has been a cause of the marriage breakdown; she finds his moodiness very difficult to deal with him; she feels that the he has a lack of interest in her and shows her no affection and this has left her feeling unloved and isolated; the parties have been sleeping in separate bedrooms and leading separate lives; he packed her bags and terminated the tenancy on the flat in which they were living. Therefore, there were instances of the first petitioner committing cruelty against her and his parents were demanding dowry and money from her and her parents. The decree of dissolution of marriage is only a preliminary decree and it is not a final decree. At the time of giving complaint, the second respondent was still his wife and therefore, she gave a complaint making allegations against him about the incidences involving him and his parents. Since the allegations made out a prima facie case, she prays the prosecution of the petitioners. Therefore, she prays for dismissal of this petition.

5. Considered the rival submissions and perused the records.

6. A reading of the judgment produced by the learned counsel for the petitioners shows that there are instances of misuse of provisions under Section 498A IPC for fostering false case against her husband and in-laws. However, its has to be decided on the basis of the factual situation in each and every case. In the case before hand, admittedly there is no love last between the first petitioner and the second respondent. The Second respondent initiated divorce proceedings before the



Family Court at Brentford in UK making the following allegations:-

"1. The petitioner feels controlled financially by the respondent. She has no knowledge of his financial dealings.

2. The respondent has left the petitioner on 2 occasions after March 2015 and she has not known where he was or with whom and whether he was coming back. This has added to her insecurity. The petitioner feels that the respondent should have communicated with her more regularly.

3. The petitioner finds the respondent unsupportive and patronising towards her and this causes her distress. His silence towards her and refusal to communicate has been a cause of the marriage breakdown. She finds his moodiness very difficult to deal with and on occasions she has felt intimidated and abused.

4. The petitioner feels that the respondent has a lack of interest in her and shows her no affection and this has left her feeling unloved and isolated.

5. The parties have been sleeping in separate bedrooms and leading separate lives since March 2015.

6. The parties have tried for sometime to salvage the marriage by engaging in counselling from within the family and from a professional but now the respondent has, without the petitioner's consent, packed her bags and terminated the tenancy on the flat in which they were living and made it clear that the marriage is over. The petitioner believes that the marriage has broken down as a result of the above unreasonable behaviour of the respondent."

7. The Family Court at Brentford in UK ordered that the marriage between the first petitioner and the second respondent had broken down irretrievably and decreed that the said marriage be dissolved unless sufficient cause be shown to the Court within six weeks. However, this is not a final decree and the application for final decree would have to be made before the Court. It is not known whether any such application was made and any order of divorce was finally granted. The complaint in Crime No.4 of 2016 states the incident starting from the marriage till the time when the second respondent returned from UK. Some of the allegations are, demand of diamonds, wedding gifts, cash, using abusive language and sodomy etc. Allegations against the first petitioner has to be enquired. We cannot decide the truth or falsity of allegations against the first petitioner in this petition. It needs a thorough investigation in India and UK. Therefore this Court is of the considered view that there is sufficient materials available against the first petitioner to



proceed further with investigation in this case.

8. As rightly pointed out by the learned counsel for the petitioners, there is no specific allegations made against the third petitioner, viz., the father of the first petitioner except making certain bald allegations in the complaint dated 03.10.2016. However, in the complaint dated 05.10.2016, it was alleged that the third petitioner is a womaniser. This allegation did not find a place in complaint dated 03.10.2016. Even against the second petitioner, viz., the mother of the first petitioner, the allegations made are that she demanded substantial quantities of diamonds and insisted to provide more wedding gifts and she supported the acts of the first petitioner. These allegations are general allegations without any specific details. These kind of allegations are generally made in a complaint given under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961. The allegations made against the petitioners 2 and 3 are not sufficient enough to warrant an investigation on trial. Moreover, First petitioner and second respondent moved to UK after the marriage and lived there. Until the second respondent returned to India, most of the allegations are made only against the first petitioner only. Therefore, while upholding the First Information Report registered against the first petitioner, this Court finds that there is no merits in the allegations made against the petitioners 2 and 3 in the First Information Report and accordingly, the First Information Report against the petitioners 2 and 3 is quashed. The First Information Report as against the first petitioner is upheld and the first respondent police shall continue with the investigation and file a final report on the basis of outcome of the investigation against the first petitioner.

9. In fine, this Criminal Original Petition is allowed in part. The First Information Report in Crime No.4 of 2016 pending on the file of 1st respondent is quashed against the petitioners 2 and 3 and this Criminal Original Petition is dismissed as against the first petitioner. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

kv



To

1. The Inspector of Police,
W-19, All Women Police Station,
Adyar,
Chennai - 600 020.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ashok Kumar, Advocate SR.No.13650

+1cc to M/s.S.P.Arthi, Advocate SR.No.13453

CRL.O.P.No.24404 of 2016

GPL (CO)
GMY (15/03/2022)