

Cr. Case No. 3247-2017
STATE Vs. SATBIR ETC
FIR NO. 7 /2016
PS. (Jafarpur Kalan)

01.02.2018

Present: Ld. APP for the State.
Accused Satbir expired.
Accused Ravinder @ Ravi in person with Ld. Counsel.
Other accused absent.
Complainant alongwith Ld. counsel.

Exemption application filed on behalf of absentee accused. Heard.
Allowed for today only.

Matter is listed on order on charge.

The present challan is filed against accused Ravinder (husband),
Rahul (BIL), Bimal (MIL) and Rakhi and Mamta (sisters in law).

Complainant Pooja that she got married to accused Ravinder on 12.02.2007. However, after the marriage her in laws started demanding money and beating her. On several occasions complainant brought Rs. 10,000/- or Rs. 5,000/- or Rs. 3,000/- from her father. However, the ill-treatment continued. It is alleged that accused Ravinder @ Ravi beats her mercilessly and when she approaches accused Bimla to save herself, she is turned away. Accused Bimla also beats her when accused Ravinder is not at home. Whenever, accused Rakhi and Mamta from their matrimonial houses, both of them along with accused Bimla beat her and taunt her. They also turn her out of the matrimonial house.

In her statement u/s 161 Cr.P.C, complainant stated that she was kept well in the matrimonial house for the first two-three years. She stated that her father gave some time Rs. 10,000/- or some time Rs. 5,000/- for bringing household articles. She stated that in the year 2014, when the house was constructed, accused Bimla and Ravi took all her jewellery saying that they needed money for construction. They assured her that they will return the jewellery after the construction is complete. However, she was turned out of the house. Later she stated that she did not have any bill of any istridhan article. She

stated that on 12.06.2015, she was beaten up by accused Ravinder and thrown out of the house and she was not allowed to return. In another statement, she stated that she was turned out on 18.08.2015. She stated that she does not have any proof of any payment.

Heard. Perused.

In so far as the allegations of the offence under Section 406 IPC are concerned, complainant stated that her jewellery was taken for construction of the house but not returned to her. However there is no bill of any stridhan articles, no proof of the jewellery ever being mortgage, not even a photograph of any article. As such even the existence of stridhan articles is not shown.

As regards offence u/s 498A IPC, complainant has failed to specify even a single incident of demand made from her. She claims that she brought Rs. 10,000/- or Rs. 5,000/- or Rs. 3,000/- from her father but she clarified in her statement u/s 161 CrPC that this was taken by her for household expenses. She claims that accused Ravinder @ Ravi used to beat her mercilessly and even accused Bimla, Rakhi and Mamta used to beat her and taunt her. However there is no description of any single incident. The sisters in law were admittedly living in their own matrimonial houses. There is no previous complaint or any medical record to bring the case within Explanation (a) to section 498A IPC also.

Accused Ravinder might have been doubting her character and it is possible that he did not give her enough money to support herself due to which she was compelled to bring money from her father, but this does not fall within the ambit of Section 498A IPC. Reliance is placed on judgment in the case of **Savitri Devi vs Ramesh Chand And Ors.** decided by Hon'ble Delhi High Court on 19 May, 2003:

“Ingredients of 'cruelty' as contemplated under Section 498A are of much higher and sterner degree than the ordinary concept of cruelty applicable and available for the purposes of dissolution of marriage i.e. Divorce. In constituting 'cruelty' contemplated by Section 498A IPC the acts or conduct should be either such that may cause danger to life; limb or health or cause 'grave' injury

or of such a degree that may drive a woman to commit suicide. Not only that such acts or conduct should be "willful" i.e intentional. So to invoke provisions of Section 498A IPC the tests are of stringent nature and intention is the most essential factor. The only test is that acts or conduct of guilty party should have the sting or effect of causing grave injury to the woman or are likely to cause danger of life, limb or physical or mental health. Further conduct that is likely to drive the woman to commit suicide is of much graver nature than that causing grave injury or endangering life, limb or physical or mental health. It involves series of systematic, persistent and willful acts perpetrated with a view to make the life of the woman so burdensome or insupportable that she may be driven to commit suicide because of having been fed up with marital life. .. "

As such, there are insufficient grounds to frame charge against any of accused for any offence. All accused are discharged.

Put up for furnishing bonds u/s 437A Cr.P.C on 12.04.2018. Till then previous bonds shall remain operative.

(Richa Gusain Solanki)
MM/Mahila Court-01
01.02.2018