

Equivalent citations: I (1993) DMC 95

Bench: H K Sandhu

Devi Lal And Ors. vs State Of Haryana on 29/10/1992

JUDGMENT

Harmohinder Kaur Sandhu, J.

1. Ram Partap complainant in FIR No. 187 dated 27th July, 1991 registered at Police Station Rama, under Sections 408A, 506 and 323 of the Indian Penal Code, alleged that he married his two daughters Rajesh Kumari and Santosh Kumari to Krishan and Rajinder respectively both sons of Devi Lal on 9th March, 1988 in village Bahadra. Prior to marriage, he gave Rs. 31,000/- to Devi Lal petitioner on the occasion of 'tikka' ceremony and at the time of marriage he spent about, Rs. 3 lacs and gave various articles in dowry in order to see that his daughters were happily married. The in-laws of his daughters were not satisfied and compelled them to bring more dowry. He took along from his village Sahib Ram, Rajender Ex-sarpanch and Ganga Lal etc. to the house of Devi Lal but their endeavours had no effect on the in-laws of his daughters. Rajesh Kumari and Santosh Kumari were brought to their parental house when they informed that their in-laws had asked them to bring Rs. 50,000/- more in cash within one year, otherwise they will be done to death. Both Krishan and Rajender never approached him to take their wives back. They, however, attended marriage of his Son which was solemnised on 20th March, 1991 and on that occasion more gifts were given to satisfy the demand of the in-laws of his daughters for Rs. 50,000. On 24th July 1991 Rajesh Kumari and Santosh Kumari were given beating and were turned out from the house at about mid night and they reached village Bahadra on the next morning after walking a distance of 30 miles. Thus a prayer was made for taking action against Krishan, Rajender, their younger brother Ramesh and their parents Devi Lal and Maya Devi.

2. The present petition has been filed Under Section 482 of the Code of Criminal Procedure by the parents and brother of Krishan and Rajender for quashing the First Information Report on the grounds that the allegations made were highly vague, unspecific, improbable and false. In fact the father of Rajesh Kumari and Santosh Kumari was a man of ordinary means and no amount was spent on dowry articles. The real problem was that the girls remained issue less and their parents blamed their husbands for not being capable of producing children. The girls and their parents were thus not happy and the girls wanted to be remarried. They left the house of their in-laws of their own accord and took away their ornaments. When they were asked to return to their matrimonial home, the case was got registered as a counter-blast.

3. On notice the respondent State filed return wherein it was alleged that there were specific allegations in the First Information Report that the complainant spent about Rs. 3 lacs on the marriage of his daughter but despite that, the petitioners harassed the girls and compelled them to bring more dowry. The daughters of the complainant were given merciless beating on the intervening night of 24/25-7-1991 and were turned out of the house.

4. I have heard the learned counsel for the parties and have perused the record.

5. It was urged on behalf of the petitioners that there were no allegations of entrustment of any dowry articles to any of the petitioners nor it was alleged that the petitioners had dishonestly misappropriated or converted the dowry articles to their own use. So no case was registered against them under Section 406 of the Indian Penal Code. The case against them was registered under Sections 498A, 323 and 506 of the Indian Penal Code but the First Information Report did not disclose the ingredients of any such offence having been committed by the petitioners. It was nowhere alleged that any of the accused caused harassment to Rajesh Kumari and Santosh Kumari with a view to coerce them to meet any unlawful demand for any property. The allegations are not specific and were vague. No particulars of cruelty were given. A perusal of the First Information

Report shows that demand of the dowry was made by in-laws of the daughters of the complainant but it is not mentioned whether it was the father-in-law, mother-in-law or brother-in-law of the daughters who demanded more dowry. It is not likely that demand was made simultaneously by all of them. There were not specific particulars regarding time, place and manner of any beating, cruelty or harassment as well as demand of dowry and in these circumstances it cannot be said that ingredients of the offence under Section 498A of the Indian Penal Code were spelled out. I find that the contention of the learned counsel is well merited. There are no specific allegations regarding cruel treatment meted out to the daughters of the complainant at the hands of the petitioners. It rather appears that the complainant and his daughters were not happy at the house of the petitioners since they were unable to give birth to children for which they blamed their husbands. Admittedly they were taken to their parental house by the complainant and it is likely that when Krishan and Rajender pressed for their return to their matrimonial home, the complainant got the case registered involving all the members of the family of Krishan and Rajender. There is not even a remote chance of conviction of the petitioners on the basis of vague, unspecific and highly insufficient allegations and it is a case of harassment and humiliation of the petitioners as well as abuse of the process of the Court.

6. So far as offence under Section 506 of the Indian Penal Code is concerned, that too is not made out. It was alleged in the First Information Report that in-laws of the daughters of the complainant threatened to murder Rajesh Kumari and Santosh Kumari if they did not bring Rs. 50,000/- for which they were to wait for one year. This threat of injury to the person of daughters of the complainant was conditional and it was contended that it did not cause any harm to the persons to whom it was issued. The threat was not imminent and since no one was harmed nor any intent to harm was alleged, the ingredients of the offence were missing and no prima facie case was made out. Under these circumstances no useful purpose will be served if the proceedings are allowed to continue before the Trial Court qua the petitioners as the inherent infirmity regarding the vagueness of the allegations in the First Information Report is not curable at any subsequent stage Suresh Kumar and Ors., v. State of Haryana, 1989 (2) Recent Criminal Reports 73 is an authority on this point.

7. For the reasons recorded above. First Information Report No. 187 dated 27th July 1991 registered at Police Station Rama and subsequent proceedings arising therefrom are quashed qua the petitioners. The petition stands disposed of accordingly.