

IN THE COURT OF MS. SHIVALI BANSAL
LD. ADDITIONAL SESSIONS JUDGE-02,
DWARKA COURTS, S-W DISTRICT, NEW DELHI.

In the matter of: -

Appeal No. 626/23.

CNR No. DLSW01-011057-2023.

1. Mukhtiar Singh

S/o Late Sh. Attar Singh
R/o H. No. 1730/18, Omaxe City,
D-Block, Sonipat, Haryana-131001.

2. Satender Partap Singh

S/o Late Sh. Attar Singh
R/o H. No. 189B, Railway Colony,
Jagadhri Workshop, Yamuna Nagar,
Haryana.

... **Appellants.**

Vs.

1. State

Through SHO
PS Nanakpura, Delhi.

2. Anupama Chandra

W/o Sh. Mukhtiyar Singh
D/o Sh. Puran Chandra
R/o G-20, Block-II,
Naraina Vihar, Delhi.

... **Respondents.**

Date of Institution	:	21.11.2023.
Date of Arguments	:	30.07.2025.
Date of Order	:	29.08.2025.

J U D G M E N T

1. Vide this judgment, I shall dispose of present Criminal Appeal No. 626/23 filed against judgment of conviction dated 31.07.2023 (hereinafter referred as impugned

judgment) and order on sentence dated 25.10.2023 (hereinafter referred as impugned order on sentence) passed by Ld. MM (Mahila Court-01), South-West District, Dwarka Courts, New Delhi.

2. Vide impugned judgment, appellants herein were convicted for offence punishable u/s 498A/34 IPC and vide impugned order on sentence, appellants herein were sentenced simple imprisonment for a period of one year and fine of Rs.6,040/- payable by each appellants towards prosecution expenses for offence punishable u/s 498A IPC and the said amount be remitted to the State. Said fine amount was paid by the appellants. Both the appellants further sentenced to pay Rs.50,000/- each u/s 498A IPC and the same is payable to complainant (respondent no. 2 herein) u/s 357 CrPC and in default of payment of said amount, both the appellants shall further undergo simple imprisonment for a period of three months.

Brief facts as mentioned in appeal

3. That on 21.11.2003, marriage of appellant no. 1 and the complainant/respondent no. 2 Anupama Chandra was solemnized according to Hindu Rites and Ceremonies. That appellant no. 1 is M.Tech from NIT, Kurukshetra, and Ph.D from University of Quebec, Canada, and regularly features in the list of top 2% scientist worldwide published by Stanford University annually. Appellant no. 2 is a responsible official of Indian Railways.
4. That appellant no. 1 and respondent no. 1 immediately after marriage, stayed at campus of DCR University of Science & Technology at Murthal, District Sonapat, where the former had been employed as a lecturer in the Electrical Department. Subsequently, on the nagging insistence of

respondent no. 2 and her parents, appellant no. 1 was constrained to shift to Delhi in the month of February 2004 i.e. barely after 2 months of cohabitation at Murthal.

5. That on account of an overwhelmingly oppressive and domineering attitude of respondent no. 2's family, who wanted appellant no. 1 to either live at respondent no. 2's parental house or hire an accommodation close to his in-laws residence, serious marital discord developed between appellant no. 1 and respondent no. 2. That said conditions, imposed by respondent no. 2 and her parents and particularly the father, who happen to be well-versed in law on account of his experience and quasi-judicial tribunals such as National Company Law Tribunal, were not acceptable to the self-respecting appellant no. 1. As a result of his refusal to be browbeaten into subjugation, respondent no. 2 left matrimonial rented accommodation at V-12, Rajouri Garden, New Delhi, and started living with her parents. The cohabitation, therefore, lasted only up to 06.03.2005. That under the circumstances, appellant no. 1 was left with the Hobson's choice of living and the official accommodation at the University at Murthal.
6. That post 06.03.2005, respondent no. 2's family continued to build pressure on appellant and appellant's parents at Jagadhri, District Yamuna Nagar, Haryana, to compel appellant to either comply with the condition of staying at respondent no. 2's parental house or face legal consequences. It was a carrot and the stick attitude constantly on display.
7. That appellant, on the strength of his merit, was awarded a government fellowship for pursuing higher studies for 3 years in Canada in March 2007. Since there was a complete

marital breakdown between the parties, respondent no. 2 and her parents could not have been informed about this development. That the fact of appellant no. 1 leaving for Canada without any intimation to respondent no. 2 or her parents prompted respondent no. 2, of course at the instance and prompting of her father who is a trained legal mind, to lodge a complaint with CAW Cell at Nanakpura against the appellants and their parents on 10.05.2007.

8. That on being assured that appellant no. 1 would be coming to India, proceedings at CAW Cell were held in suspended animation on the basis of respondent no. 2's application dated 30.11.2007. That in the meantime, respondent no. 2 caused legal notice dated 15.01.2008 to be served to employer of appellant no. 1, wherein besides expressing her own insecurity and deep concern for the safety and well-being of her husband i.e. applicant no. 1, she also claimed to be entitled to all his salary/official accounts and official accommodation. However, she could not succeed in her design. Respondent no. 2 was confronted with this notice on 15.05.2017 during her cross examination and the same was Ex.PW1/DX4. Seeing that contents of the notice were in stark contradiction with the case set up by her in her complaint before police and would demolish and impeach her totally false and fabricated and motivated testimony before the Court, she tried to wriggle out and disown the contents of the aforesaid notice by stating that the facts mentioned in Ex.PW1/DX4 is a typographical mistake.
9. That since appellant no. 1 did not succumb to pressure tactics adopted by respondent no. 2 and her family members, respondent no. 2 sought revival of the grossly baseless complaint tailor-made for invoking Section 498A

IPC on 27.04.2008 against appellants and their parents. That dancing to the tune of the high profile status of the respondent no. 2's father, FIR No. 106/08 was registered against the appellants and their parents u/s 498A/406/34 IPC at CAW Cell, Nanakpura, Delhi on 23.12.2008. Said FIR was registered on ipse dixit of respondent no. 2 and her father without complying the mandate of the law laid down in the case titled "Chander Bhan & Another Vs. State" decided by Hon'ble High Court of Delhi on 04.08.2008.

10. That admittedly even after registration of FIR, on 23.12.2008, respondent no. 2 alongwith her family members made a last-ditch effort to coerce appellant no. 1 into falling in line with their proposal to either restore the marital/matrimonial ties or face the consequences. It is with this object in mind that respondent no. 2 had admittedly, alongwith other family members including her father, visited Canada in July 2010. However, they met with little success in compelling appellant no. 1 into succumbing to their demand.
11. That thereafter, a sham investigation was carried out and charge-sheet was filed on 29.11.2011 by the IO and the accused were summoned by the Court. That on 03.06.2013, charges were framed against the appellants u/s 498A/34 IPC and u/s 406 IPC was framed against late Chandrawati alone to which appellants and late Chandrawati pleaded not guilty and consequently, they were put on trial. However, during trial Chandrawati expired and proceedings against her stood abated. That after trial, impugned judgment and impugned order on sentence were passed by Ld. Trial Court.
12. That being seriously aggrieved by impugned judgment and impugned order of sentence, the appellants preferred present

appeal against the impugned judgment and impugned order on sentence.

Ground of appeal

13. Because impugned judgment and order on sentence were passed by Ld. Trial Court are bad in the eyes of law and on surmises and conjectures.
14. Because Ld. Trial Court failed to apply its mind on the complete facts and circumstance and evidence present on record in as much as no evidence whatsoever of cruelty and harassment with respect to demand of dowry was adduced by prosecution against the appellants.
15. Because Ld. Trial Court has turned a Nelson's eye to the admitted case of prosecutrix that she did not file even a single complaint against the alleged megalomania and demonic behavior of appellant no. 1 clearly underscoring the grossly preposterous and highly motivated allegations calculated to wreak vengeance on the appellants and their family. On the various states of the arguments, Ld. Trial Court's attention was drawn to this glaring omission on the part of respondent no. 2 and her father. The non-filing of complaint notwithstanding the high degree of criminality of the alleged acts by appellant no. 1 clearly raised the inference of the total falsehood of her version. Ld. Trial Court's attention was drawn to inter-alia the following allegations sans any substance: -
 - (i) On 05.09.2014, respondent no. 2 alleged that she was subjected to cruelty ab initio and was kept starved even during their honeymoon for the simple reason that she had not brought sufficient dowry. Further alleged that appellants demanded a flat in the month of December 2003 and she was beaten by appellant no. 2, her

brother-in-law, at Murthal for resisting the aforesaid offer. Yet no complaint to police was made.

- (ii) On 08.01.2015, during her cross examination, she alleged without any material particulars inter-alia routine beatings in February 2004 by appellant no. 1 on the instigation of his family members was that she further alleged insistence by appellant no. 1 on the termination of pregnancy and was beaten. Not only this, she was also accused of leading an adulterous life. Yet no complaint was lodged.
- (iii) On 24.03.2015, respondent no. 2 alleged that she was prevented from taking medicines for avoiding miscarriage in the month of April 2004. She further alleged inter-alia that appellant no. 1 thrashed her blue and black only because she asked for expenses for running the domestic chores. Yet no complaint to police was made.
- (iv) During her cross examination on 27.05.2015, she inter-alia alleged that on her first Karvachauth, which fell on first of November 2004, she was made to starve although she was in advanced stage of pregnancy, not only this on 02nd and 03rd November 2004 and only two days before the delivery, appellants and mother-in-law beaten black and blue for failing to comply with the demands. But only this, appellant no. 1 tried to manhandle her in the hospital but intervention of some persons and hospital staff saved her. Yet no complaint to police was made.
- (v) During cross examination on 27.05.2015, she alleged that appellant no. 1 threatened to drop their only baby from the balcony because she could not fulfill the

demand of Rs.20 lakhs made by mother-in-law. Yet no complaint to police was made.

16. Despite this demonical conduct attributed to appellant no. 1 from the date of her marriage on 21.11.2003 till 06.03.2005, not even a single complaint was made to police. This fact per se shows that the allegations are bereft of any spontaneity and are result of nothing but embellishments fueled by the vindictive agenda of respondent no. 2. No conviction could have been based on such false and preposterous allegations nurtured over a period of time with malafide intent of wreaking vengeance on appellants. Unfortunately, Ld. Trial Court totally ignored this vital aspect of law, notwithstanding umpteen number of judgments by the Hon'ble Supreme Court of India submitted before it during the course of arguments. The impugned judgment and order on sentence is liable to be set aside inter-alia on this ground alone.
17. Because Ld. Trial Court has completely erred in not appreciating that respondent no. 2 has indulged in a brazen abuse of process of law and used the socially benevolent provisions meant for preventing cruelty against wives for combating the menace of dowry as an assassin's tool. Ld. Trial Court has totally ignored the admitted fact admitted fact that prime motive for the complainant till July 2010 was the restoration of matrimonial ties with appellant no. 1 when she alongwith her entire family visited Canada where appellant no. 1 was pursuing his further studies. Her prime objective as per her own case, prior to the initiation of the criminal proceedings, was to compel appellant no. 1 to stay with her at her parents place in Delhi as per the wishes of her family and herself. Recourse may be had also to her

judicial admission made before Hon'ble High Court of Delhi on 20.08.2009 exhibited as Ex.PW4/X1. Ld. Trial Court has not appreciated this important fact and has completely ignored the testimonies of her father examined as PW4, her mother examined as PW8 and her brother i.e. PW9. At best, respondent no. 2's case was matrimonial desertion by appellant no. 1 in the latter's refusal to live with her in Delhi. Unfortunately, to achieve this objective which falls in the domain of civil law, respondent no. 2 has deployed the machinery of criminal law. Her objective has been to ensure the dismissal of the services of the appellants on the grounds of criminal conviction only because the appellant no. 1 did not succumb to the coercive tactics of respondent no. 2 and her father.

18. Because Ld. Trial Court has grossly erred in convicting appellants u/s 498A IPC although the prosecution miserably failed to establish the consequences of alleged cruelty which is a sine qua non for invoking Section 498 A IPC in the celebrated judgment passed by Hon'ble Supreme Court of India in case titled Sushil Kr. Sharma Vs. Union of India. The impugned judgment and order of sentence are bound to be set aside on this ground also inter-alia.
19. Because Ld. Trial Court failed to appreciate that in whole complaint and in evidence there was no allegations whatsoever that appellants or their late parents prior to marriage or at the time of marriage, made any demand of dowry or of any valuable security whatsoever. Prosecution witnesses were silent and had not uttered even a single word on these aspects which is sine qua non for conviction u/s 498A IPC as there was complete absence of mens rea on the part of appellants.

20. Because Ld. Trial Court failed to appreciate that version of PW4, PW6, PW8 and PW9 of alleged incidents of cruelty upon respondent no. 2, are not only different but also improvised versions. Hence, cannot be relied upon by Ld. Trial Court for corroborating the testimony of PW1. Moreover, they deposed about the incidents during their deposition, wherein neither they were present nor they were the party. Their depositions are based on the conversation which is hearsay in nature and thus the same cannot be relied upon for the conviction of appellants.
21. Because Ld. Trial Court failed to appreciate that prosecution had to prove their case beyond reasonable doubt. The prosecution miserably failed to bring on record any incriminating evidence whatsoever against the appellants. Moreover, entire case of prosecution is based entirely upon two complaints dated 10.05.2007 (Ex.PW1/A) and 27.08.2008 (Ex.PW1/B). PW1 at the time of her examination in chief had failed to bring on record any incriminating material or evidence in support of her deposition for corroborating her version. Other PWs had not brought any incriminating material or evidence during their depositions to support their case or to corroborate their allegations and their deposition is merely based upon cooked up stories which they failed to prove against the appellants in absence of any evidence.
22. Because Ld. Trial Court blindly believed the version of the prosecution without giving due regard to the defense put forward by appellants are arbitrary and perverse and not in accordance with the following well settled principles of criminal and jurisprudence.

23. Because Ld. Trial Court grossly erred on relying upon testimony of PW4, PW8 and PW9 as their testimony was not supported by any valid evidence. Ld. Trial Court failed to appreciate that PW4 is father of respondent no. 2, PW8 is mother of respondent no. 2 whereas PW9 is real brother of respondent no. 2 and they all are related to each other. All the above mentioned prosecution witnesses are interested witnesses as they derive benefit from conviction of the appellants.
24. Because Ld. Trial Court failed to appreciate complete deposition (examination-in-chief and cross examination) of only independent witness i.e. PW6 Gulab Singh who was involved in the marriage between appellant no. 1 and respondent no. 2. PW6 during his examination-in-chief had not uttered even a single word about dowry demand before or during or after solemnization of the marriage. He had not sighted even a single incident of cruelty or harassment in relation to dowry demand. It is submitted that Ld. Trial Court erroneously relied upon examination-in-chief at para 18 of the impugned judgment but had totally ignored the cross examination of PW6.
25. PW6 during his cross examination had stated that “*It is correct that accused Mukhtiar Singh was respectful to me. He has never shown me any arrogance to me. It is correct that Mukhtiar Singh never insulted or shown any disrespect towards his father-in-law, mother-in-law and his wife Anupama in my presence.*” He further stated that “*There was no dowry demand at the time of wedding and after the marriage within my knowledge.*” PW6 had severely dented the case of the prosecution against the appellants.

26. Because Ld. Trial Court grossly erred in completely relying upon the statement of respondent no. 2 in as much as no material or evidence whatsoever was produced to prove the facts alleged by respondent no. 2.
27. Because Ld. Trial Court failed to appreciate that the allegations made by respondent no. 2 are very much general and omnibus in nature. No specific role is attributed to appellants, moreover, the allegations whatsoever made by respondent no. 2 are vague, general and omnibus. Even after, completion of entire trial, respondent no. 2 out rightly failed to prove even a single allegation which is specific in nature. The prosecution has completely failed to establish any specific role to appellant no. 2 and he had to undergo the entire process of trial being real brother of husband of respondent no. 2.
28. Because Ld. Trial Court failed to appreciate that testimonies of PW4, PW8 and PW9 are based on hearsay evidence and that they are not eyewitness of any of alleged incidents, thus corroboration of the alleged incidents does not arise at all.
29. Because principles laid down in the judgments relied upon by Ld. Trial Court have not been properly examined and tested upon the facts and circumstances of the present case by Ld. Trial Court itself.
30. Because Ld. Trial Court failed to appreciate that investigation agency failed to bring any incriminating evidence against the appellants for proving the alleged incidents.
31. Because Ld. Trial Court failed to appreciate that after conclusion of trial it has to evaluate the material and documents on record with a view to finding out if the facts

emerging therefrom, taken at their face value, would constitute all the ingredients of the alleged offence or not.

32. Because Ld. Trial Court failed to appreciate that no evidence or specific allegation has been leveled against the appellants, which could show willful conduct of appellants of harassment of respondent no. 2 at their hands with a view to coercing her to meet any unlawful demand by them so as to attract the provisions of Section 498A IPC.
33. Because Ld. Trial Court failed to appreciate that PW8 Raj Kumari in her cross examination specifically admits that “*I cannot say whether dowry was demanded/offered or not demanded/offered at the time of/or before the marriage since the same talks were held with my husband.*” She further admits that “*My daughter had told me about the difficulties in her day to day travel from Murthal to Delhi. We had advised her and accused Mukhtiyar to sort out the difficulties by shifting to Delhi.*”
34. Because Ld. Trial Court grossly erred in relying upon testimony of PW4, PW8 and PW9, who are interested witnesses, without even adopting a careful approach and analyzing the evidence to find out whether it is cogent and credible in as much as the versions of PWs are not only different but also improvised and unproved versions of respondent no. 2.
35. Because Ld. Trial Court failed to appreciate that no specific allegation has been made against appellant no. 2 Satender Partap Singh with reference to his willful conduct of cruelty towards the respondent no. 2 with any demand of dowry.
36. Because Ld. Trial Court while awarding the sentence grossly erred by not considering the pronouncements and judgments filed and relied upon by the appellants at the time

of final arguments. Ld. Trial Court has not even uttered a single word about those pronouncement and judgment and had not appreciated the same hence, the impugned judgment is not in consonance with the guidelines and principles issued by Hon'ble Supreme Court of India and various Hon'ble High Court.

37. Because Ld. Trial Court failed to appreciate that in order to convict a person u/s 498A IPC, there must be evidence to prove that willful conduct of the person drove a woman to commit suicide or to cause grave injury or danger to life, limb or health (mental or physical). It is submitted that the prosecution had failed to even fulfill the ingredients of Section 498A IPC even after completion of trial.
38. Because Ld. Trial Court while awarding the sentence grossly erred by not considering the provisions of Section 4 of Probation of Offender's Act, 1958 despite a specific prayer so made by the defense and extending the benefit of the same to the appellants. Ld. Trial Court while awarding the sentence grossly erred as the same had totally neglected the social investigation report from Probation Officer, wherein the conduct of the convicts was good in the society.
39. No reply to the appeal was filed on behalf of respondents.

Facts mentioned in written arguments of appellants

40. Ld. Trial Court failed to observe that no specific allegation of demand of dowry and due to denial of such demand by respondent no. 2, the appellants had inflicted cruelty upon respondent no. 2 has been proved by the prosecution and the allegations whatsoever alleged by complainant/respondent no. 2 are general vague and omnibus and lacks in material substance. Ld. Trial Court had failed to apply the principles of evidence in the present case and had reiterated the entire

examination in chief of prosecution witnesses in the impugned judgment. Moreover, Ld. Trial Court had not appreciated the testimony of PW6, sole independent witness in the present case.

41. Ld. Trial Court has blindly believed the story of the prosecution and after taking into all the cruelties (which were not covered under the ambit of Section 498A IPC) into account has without due application of mind has passed the impugned judgment.
42. Respondent no. 2 in her complaints made to CAW Cell had made various allegations against the appellants which are very general and omnibus in nature and that the same are without any proof and are only dependent upon the oral testimonies of PW1, PW4, PW8 and PW9 who are family members and interested witnesses. Only independent witness PW6 brought by the prosecution does not even whisper about either the alleged conduct of the appellants i.e. dispute between respondent no. 2 and appellant no. 1 was due to demand of dowry or the alleged incidents/allegations made by the respondent no. 2.
43. Ld. Trial Court has miserably failed to appreciate the testimonies of the aforesaid witnesses in as much as their stories of the same incidents do not match and they have made certain improvements in their statements and cross examinations.
44. In one such alleged incidents of 12.11.2004, PW1 during her examination in chief states “*On 12.11.2004 on the day of Diwali, my parents came to wish Diwali at my home at V-12, Rajouri Garden, New Delhi where my husband, mother in law and brother in law were present. My husband made a direct demand of Rs. 20 Lacs to my father. My*

father refused with folded hands. Listening this, my brother-in-law Satender Pratap Singh without offering a glass of water on that festival day abused and insulted my parents badly on their faces. My mother went weeping from my home on Diwali with my poor sad father.”

45. PW4 i.e. father of respondent no. 2 (PW1) states in his examination in chief “*On 12.11.2004 at the eve of Diwali, I alongwith my wife went to V-12 Rajouri Garden, New Delhi i.e. rented house of Mukhtiyar Singh and my daughter to wish them Diwali where accused Chandrawati, Mukhtiyar Singh and Satinder Pratap Singh were present there. As soon as I wished Diwali to them Mukhtiyar Singh directly demanded a sum of Rs. 20 lacs from me to run the petrol pump. I refused with folded hand then Mukhtiyar Singh and Satinder Pratap insulted me and my wife and pushed us out of house which was done with the support of Chandrawati. We were very sad with their behavior but we were helpless. When we were leaving the house of Anupama and Mukhtiyar Singh, Anupama was weeping and fearing the danger of her life and the son's life.*”
46. PW8 states in her examination in chief “*On 12.11.2004, on the festival of Diwali, me and husband went to the rented accommodation at Delhi where my daughter was staying to wish them. There Mukhtiyar Singh demanded Rs. 20 lacs from us when we refused he started abusing us. Satender Pratap was also present there at that time. He also abused us, pushed us and stood to hit us.*”
47. PW9 in his examination in chief states “*On 12.11.2004 Mukhtiyar Singh, Satender Pratap Singh and Chandrawati had demand Rs. 20 lacs from my father for purchasing of patrol pump but father refused for same.*” The prosecution

failed to prove demand made by appellant except the self-serving statements of interested witnesses which are not same and exaggerated versions which cannot be taken into consideration as no independent witness or proof has been brought on record. Ld. Trial Court failed to record the infirmity in their statements and cross examinations and has blindly believed the versions of prosecution without further introspection into the trustworthiness of aforesaid witnesses. Furthermore, testimony of PW9 has to be disregarded in as much as the same is completely hearsay.

48. Ld. Trial Court failed to appreciate the fact that PW4, PW8 and PW9 are tutored witnesses. Moreover, despite their best efforts and all tutoring the aforesaid witnesses had deposed their improvised version of incident dated 12.11.2004. Ld. Trial Court relied upon the testimony without examining the veracity and correctness. Ld. Trial Court failed to appreciate the fact that all the aforesaid witnesses are family members and their depositions should be corroborated with due care and caution. In the present case, prosecution has miserably failed to produce any evidence whatsoever in support of the allegations so made by respondent no. 2. Ld. Trial Court had only relied upon the uncorroborated testimonies of respondent no. 2 and her other family members which are not only contradictory but also improvised by the witness as and when required to support the false case of respondent no. 2.
49. Ld. Trial Court has completely disregarded testimony of PW5 and failed to take into account the complete set of events/allegations against the appellants which clearly shows that the abovesaid witnesses are not reliable.

50. Ld. Trial court has completely disregarded the testimony of PW6 and failed to appreciate the independent deposition qua the false allegations of demand of dowry by the appellants. PW6 in his examination in chief states that “*I know the complainant’s father since the year 1954. As such I know his daughter Anupama also. I was involved in the marriage talks, however, I was not the mediator. I remained present in the meetings between complainant’s family and the accused family and other ceremonies before and at that time of the marriage.*”
51. PW6 in his cross examination further states that “*There was no dowry demand at the time of the wedding and after the marriage within my knowledge.*” Moreover, PW8 who is the mother of respondent no. 2 discarded the allegations of demand of dowry so made by respondent no. 2 at the time or before the marriage. PW8 in her cross examination had stated that “*I cannot say whether dowry was demanded/offered or not demanded/offered at the time of/or before the marriage since the same talks were held with my husband.*”
52. Ld. Trial Court had failed to analyze that respondent no. 2 was a highly educated, self-sufficient, independent and outgoing lady. As per own case of respondent no. 2, she was employed and was doing government job in Delhi prior to her marriage. PW8 in her examination in chief states that “*She (complainant) was employed in a government job from prior to her marriage.*”
53. Ld. Trial Court failed to appreciate that being a working woman, respondent no. 2 used to go to her office on daily basis. Respondent no. 2 was not confined to the four walls of her matrimonial house or she was not allowed to have

any interaction with physical world outside of her matrimonial home. She used to meet her fellow employs, friends and various other persons. Respondent no. 2 was having access to all the authorities and having sufficient resources. However, respondent no. 2 never shared any incident with anyone at her workplace or to any of her friends. She had never disclosed about the alleged incidents to any other person apart from her father and mother during a prolonged marriage. Evidence produced by respondent no. 2 during trial are only oral in nature without corroboration of any independent witness.

54. Ld. Trial Court failed to appreciate that despite having a free and unrestricted access, the complainant never reported the alleged incidents to any competent authority or sought their assistance. No distress call or police helpline call was ever made by respondent no. 2, her father, mother or any of her other family members against the appellants. Respondent no. 2 had alleged about physical abuse in the aforesaid case but had never visited any doctor or physician for any treatment or medical care. Moreover, respondent no. 2 failed to bring on record any medical prescription or photographs qua the allegations of physical assault as alleged by her.
55. Ld. Trial Court failed to appreciate that father of respondent no. 2 was highly educated who with qualification of M.Com, LL.B and had retired from Ministry of Company Affairs, thus was having complete knowledge of prevalent laws for protection of women. Thus, as alleged even after facing so much cruelty at the hands of appellants he did nothing i.e. no complaint was ever made by him, which casts a serious disbelief and suspicion upon his conduct.

56. Ld. Trial Court failed to appreciate that PW6 an independent witness who was also the mediator of marriage of appellant no. 1 and respondent no. 2 did not even whisper about the precondition of marriage kept by respondent no. 2 and her family members that appellant shall shift to Delhi after the marriage as respondent no. 2 was working in Delhi.
57. Ld. Trial Court blindly believed the testimonies of respondent no. 2 and her family members i.e. PW4, PW8 and PW9 as gospel truth and in name of examining their testimonies. Ld. Trial Court has misconstrued the testimonies and wrongly observed that PW4, PW8 and PW9 who are father, mother and brother of respondent no. 2 (PW1) corroborated the testimony of PW1.
58. Ld. Trial Court failed to appreciate that appellant no. 1 was finely placed and highly qualified individual who was a permanent faculty at Murthal, Haryana and was allotted government accommodation at Murthal and was also having his ancestral home at Jagdari, Haryana and it was respondent no. 2, who was working in Delhi and wanted to shift to Delhi. Moreover, parents of respondent no. 2 were also residing in Delhi, thus the alleged story of demand of house by appellant at Delhi was unsustainable and unbelievable.
59. Ld. Trial Court failed to analyze the main bone of contention and motive behind the false implication of the appellants by respondent no. 2 and her parents in the case. PW8 in her examination in chief states “*We gave an matrimonial advertisement for our daughter in a newspaper, through which accused’s brother Satender Pratap who is younger brother of accused Mukhtiar Singh contacted us. As my daughter was working in Delhi, I inquired from*

Satender Pratap as to how will they manage the residence after the marriage since they were residing in Murthal. He assured me that accused Mukhtiar will be residing with my daughter in Delhi only after marriage. When we personally met the accused and his parents, they also assured us that accused would be residing in Delhi only after marriage, on this assurance, we fixed their alliance.” Whereas she had stated in her cross examination that “ We had told the family of the accused before the marriage that this alliance would not work because my daughter was working in Delhi while the accused Mukhtyar Singh was working in Murthal.”

60. Ld. Trial Court failed to analyze the testimonies of interested witnesses and erred in observing that they have supported the case of prosecution and that no specific allegation has been made against appellant no. 2 i.e. Satender Pratap Singh with respect to his willful conduct of cruelty towards respondent no. 2 with any demand of dowry. The allegations against the appellants are far from being proved.
61. The prosecution even after conducting a prolonged trial had miserably failed to prove the guilt of appellants beyond reasonable doubt. The prosecution had failed to establish the hypothesis of guilt against the appellants, hence, the present appeal is preferred by the appellants.
62. It is prayed that the impugned judgment and order on sentence may be set aside.

Facts mentioned in written submissions of respondent no. 2

63. Brief facts of the case are as under: -
64. Marriage took place on 21.11.2003 at Delhi. One male child was born on 5.11.2004, who is in care and custody of respondent no. 2 since 06.03.2005. Husband and wife

resided together at Murthal and thereafter, shifted to Rajouri Garden in a rented premises on 08.02.2004. Appellant no. 1 left the company of respondent no. 2 and child finally on 06.03.2005 and never returned back.

65. Respondent no. 2 waited a long time (2 years) and filed a complaint in CAW Cell, Nanakpura, on 10.05.2007 (Ex.PW1/A). During enquiry, she came to know that her husband had already moved to Canada in March 2007 for his Ph.D. program without informing and intimation to respondent no. 2. Upon service of appellant no. 1, he wrote a letter to ACP, Women Cell, that he is planning to come in India in April 2008 to solve the dispute at the earliest and further apprised that he never denied for keeping his marital relationship with respondent no. 2. Letter dated 09.07.2007 written to ACP by appellant no. 1 is already matter of record. On the assurance of appellant no. 1, respondent no. 2 temporarily withdraw her complaint on 30.11.2007.
66. Despite assurance, appellant no. 1 did not returned back and hence, respondent no. 2 filed another complaint dated on 27.08.2008 upon which FIR No. 106/08, u/s 406/498A/34 IPC was lodged in PS Nanakpura.
67. In July 2010, respondent no. 2 herself alongwith the child went to Canada to meet and know about their marital life but appellant no. 1 refused to live with respondent no. 2 and she returned back with empty hands. Appellant no. 1 returned back to India in August 2010.
68. Charge-sheet was filed in concerned Ld. Mahila Court and cognizance was taken against all three accused persons u/s 207 CrPC and charge vide order dated 03.06.2013 was framed against appellant no. 1 and 2 for offence u/s 498A/34 IPC and charge against accused Chandrawati for

offence u/s 406 IPC and matter was listed for prosecution evidence. During pendency of case accused Chandrawati was died and proceeding against her stood abated.

69. Prosecution cited 14 witnesses, out of which 12 were examined in support of the case. That witness namely Anupama, who is complainant in this case was examined as PW1. Puran Chand, father of complainant, examined as PW4. Raj Kumari, mother of complainant, examined as PW8. Deepak Kumar, brother of complainant, examined as PW9. All the abovesaid witnesses corroborated their statements, the other witnesses deposed their evidence and they all corroborated their statements and the prosecution successfully proved their case against both the appellant u/s 498A IPC by leading reliable, cogent and convincing evidence.
70. PW1 Anupama very specifically deposed in Court in her chief examination as under: -
- (i) Appellant no. 2 Satender Paratap Singh stayed with appellant no. 1 and respondent no. 2 in Murthal for want of job.
 - (ii) In the month of December, appellant no. 1 and 2 pressurized respondent no. 2 and made demand of a flat from father of respondent no. 2 in Delhi so that could easily reside in Delhi and respondent no. 2 could easily attend her office from there.
 - (iii) Appellant no. 1 and 2, on listening this, appellant no. 2 beat respondent no. 2 cruelly and said that he is bad character women and knows how to deal with respondent no. 2.

- (iv) On 02.02.2004, appellant no. 2 Satender Pratap Singh went back after abusing and threatening respondent no. 2.
- (v) On 08.02.2004, respondent no. 2 and appellant no. 1 shifted to Delhi on 08.02.2004 at V-12, Rajouri Garden, New Delhi but after some days again appellant no. 1 started beating and threatening respondent no. 2 for not giving a flat to appellant no. 1. Pushing and hitting respondent no. 2 by nails has become his daily routine to harass respondent no. 2. In-laws of respondent no. 2 has lust of dowry was so much dominating that they used to call appellant no. 1 and asked whether he has got more money from parents of respondent no. 2 or not. In-laws of respondent no. 2 instigated appellant no. 1 to beat respondent no. 2.
- (vi) Respondent no. 2 and appellant no. 1 used to go every Saturday morning and come back Monday morning at Jagadhari where parents of the appellants were living.
- (vii) Appellant no. 1 tried to convince respondent no. 2 to get the child aborted. She refused, then real face of appellant no. 1 appeared, who pulled hairs of respondent no. 2 and said that he married with respondent no. 2 with the purpose of getting good money as a dowry in marriage and appellant no. 1 would responsibility of the child as appellant no. 1 has to settled his two younger brothers. Appellant no. 1 even went up to the extent saying that he is not the father of the child and asked respondent no. 2 to prove that he is bearing his child. Even after

listening this, respondent no. 2 did not agree for abortion. After this appellant no. 1 adopted unbelievable and horrible ideas to harass respondent no. 2.

- (viii) Respondent no. 2 got ultrasound done in RML Hospital and found that it is a threatened abortion and the same as Ex.PW1/A1 to Ex.PW1/A3.
- (ix) Respondent no. 2 took prescribed medicine and her condition started improving. Appellant no. 1 became angry. He used to either hide the medicine or snatched it from her hands. He used to give as much tension as he could. He did not allow respondent no. 2 to make food on time. When her parents left, appellant no. 1 beaten her blue and black. Appellant no. 1 and his mother did not feel pity even when respondent no. 2 was pregnant.
- (x) Appellant no. 1 never gave his salary for domestic expenses. She do not know what he was doing with his salary. Whenever asked, she was badly beaten by him. He used to take away salary of respondent no. 2.
- (xi) In the month of September 2004, appellant no. 2 Satender Pratap Singh again came to reside with appellant no. 1 and respondent no. 2 for want of job in Delhi. He used to insult respondent no. 2 for frustration due to his ill fate.
- (xii) On 2nd and 3rd November 2004, appellant no. 1 and 2 and their mother beat respondent no. 2 blue and black. Those 2 days are still frightening for respondent no. 2. They even did not care during her pregnancy.

- (xiii) On 04.11.2004, she got admitted in hospital at RK Puram, where parents of respondent no. 2 came. Appellant no. 1 threatened to kill respondent no. 2 in front of her mother which was silently tolerated by her mother. Parents of respondent no. 2 were confirmed about the ill-treatment of appellant no. 1 and his family towards respondent no. 2 but they were also hoping that the birth of the child will settle all this. She gave birth to a baby boy on 5.11.2004. There was no happiness on the face of appellant no. 1, 2 and their parents. Appellant no. 1 went up to the extent of saying that he did not like her child but he likes his nephew. He tortured her emotionally by saying that respondent no. 2 and child was wasting his leaves.
- (xiv) Respondent no. 2 was discharged from the hospital on 11.11.2004. On the same day, appellant no. 1, 2 and their mother abused her at home. She was weeping bitterly holding her son in her arms.
- (xv) On 12.11.2004, on the day of Diwali, parents of respondent no. 2 came to wish Diwali at her home at V-12, Rajouri Garden, New Delhi, where appellant no. 1, 2 and their mother were present and appellant no. 1 made a direct demand of Rs. 20 lacs to father of respondent no. 2. Her father refused with folded hands. Listening this, appellant no. 2 Satender Pratap Singh without offering a glass of water on that festival day, abused and insulted parents of respondent no. 2 badly on their faces. Her mother went weeping from her home on Diwali with her poor sad father. Appellant no. 2 abused respondent

no. 2 by saying that “*saali, bring money or I shall not leave you and your parents*”. That day appellant no. 1 declared that he would leave her forever. The depth of his words became clear some days. On 15.11.2004, appellant no. 1 left respondent no. 2 alongwith the child in the rented house at V-12, Rajouri Garden, New Delhi.

(xvi) On 01.02.2005, mother of appellant no. 1 again came to reside with appellant no. 1 and respondent no. 2 at Rajouri Garden. She again pressurized respondent no. 2 to bring Rs. 20 lacs from her parents.

(xvii) Mother of the appellant went back after residing for 8 days with them. For about one month respondent no. 2 tolerated atrocities of appellant no. 1. He continued to torture and irritate her and did not arranged ration for preparing meal etc. On 06.03.2005, appellant no. 1 left respondent no. 2 at the rented house in Rajouri Garden alongwith child by warning to her teach a lesson.

(xviii) Finally she approached CAW Cell, Nanakpura, on 10.05.2007 and lodged a complaint Ex.PW1/A.

71. PW4 Pooran Chandra (father of respondent no. 2) deposed as under: -

(i) Tika/tilak function of appellant no. 1 took place in the month of October 2003. Father of respondent no. 2 gifted one Santro Car, cash, clothes to all family members and all other customary items.

(ii) After the function, appellant no. 1 rang to respondent no. 2 that the clothes gifted are not up to expectations. Appellant no. 1 further told to respondent no. 2 to take

them back. He further told that they are not happy and they expected more costly clothes.

- (iii) After one month, respondent no. 2 informed her father that appellant no. 1, 2 and their parents are pressurizing her to demand a flat in Delhi from me for appellant no. 1.
- (iv) Respondent no. 2 told PW4 that appellant no. 1, 2 and other in-laws are angry with her and they are taunting that they have been given nothing in the marriage and not properly regarded.
- (v) On 12.11.2004, at the eve of Diwali, father of respondent no. 2 alongwith his wife went to V-12, Rajouri Garden, New Delhi i.e. rented house appellant no. 1 and respondent no. 2 to wish Diwali, where mother of appellants, appellant no. 1 and 2 were present there. As soon as PW4 wished Diwali to them, appellant no. 1 directly demanded a sum of Rs. 20 lacs from him to run the petrol pump. PW4 refused with folded hands then appellant no. 1 and 2 insulted him and his wife and pushed them out of the house which was done with support of Chandrawati.
- (vi) On first hearing before CAW Cell, Nanakpura, Ajay Pal Singh elder brother of appellant no. 1 attended the meeting and disclosed that appellant no. 1 had gone to Canada for three years. He was shocked and respondent no. 2 also perturbed tearfully hearing that he has gone to Canada for a long period of three years.

72. PW8 Raj Kumar (mother of respondent no. 2) deposed as under: -

- (i) After few days, respondent no. 2 came to her parental house and told to her mother that appellant no. 1, 2,

Atar Singh and Chandrawati are demanding a house in Delhi from her.

- (ii) Appellant no. 2 also mostly resided with appellant no. 1 although he used to make visit to Jagadhari.
- (iii) Appellant no. 1 used to quarrel and beat respondent no. 2 and also used to abuse her. Appellant no. 2 also used to taunt and insult respondent no. 2 on this issue. Appellant no. 2 used to say “*Aurat ke pair dekh kar pehchan leta hu ki vo kaise chal-chalan ki hai*”.
- (iv) Appellant no. 1 wanted to respondent no. 2 to abort the child and for this he used to beat, abuse and pulled her hair. Appellant no. 1 also used to threaten respondent no. 2 by wrapping himself in white cloth and pretending to be dead.
- (v) Due to this physical and mental harassment, respondent no. 2 fell ill and she had admitted in RML Hospital by her parents.
- (vi) On 12.11.2004, on the festival of Diwali, parents of respondent no. 2 went to rented accommodation at Diwali where respondent no. 2 was staying with her in-laws. Appellant no. 1 demanded Rs. 20 lacs from parents of respondent no. 2 and when they refused, he started abusing them. Appellant no. 2 was also present there at that time. He also abused, pushed them and stood to hit them.

73. PW9 Deepak (brother of respondent no. 2) deposed as under: -

- (i) He had given profile of respondent no. 2 for matrimonial alliance in newspaper. He had put condition before fixing their alliance that respondent no. 2 and appellant no. 1 will stay in Delhi after

marriage and the same was decided in the presence of respondent no. 2 and appellant family alongwith Gulab Singh. (Vol. This arrangement was made on account of job of respondent no. 2 was at Delhi.)

74. Beside the abovesaid witnesses there are other witnesses i.e. PW2 Rajender Kr. Gupta, who is having the jewellery shop and sold the jewellery articles. Other witnesses PW3, PW5, PW7, PW10, PW11 and PW12 also corroborated their respective statements.
75. Accused persons gave their defense evidence and produced 2 witnesses Dr. Jaipal Asstt. Professor of KUK was cross examined by Id. APP for State that wherein he deposed that he does not have any documentary evidence regarding his claim that in-laws of appellant no. 1 used to transfer the financial benefit to them which belongs appellants. He does not have any documentary evidence of talking of appellant no. 1 while he was in Canada.
76. DW2 Rishipal Singh (cousin brother of appellants) deposed in cross examination by Id. APP for State that he does not remember the date, time and month of visiting the house of appellant no. 1 but he used to visit every year once. Appellant no. 1 used to live in Rajouri Garde Delhi but he does not remember the exact address of his house. Vol. He used to go the second floor by stairs. He used sell raw chilly in the month of November every year. He does not know the name of in-laws of appellant no. 1. Father-in-law of appellant no. 1 was Judge but he does not know the occupation of mother-in-law of appellant no. 1. He used to stay at home of appellant no. 1 as guest for 2-3 hours. It is correct that today, he has come to depose in the Court

alongwith appellant no. 1 and he only has brought him to give evidence in his favour in this case.

COURT'S CONCLUSION

77. The law with respect to 498A IPC is stated as under.

78. The Hon'ble High Court of Delhi in case titled **Pominder Kumar Chhabra Vs. State, (Crl. Rev. P. 570/2010)**, has discussed the scope of section 498A as under: -

“8. As regards the object and intention of incorporating Section 498A in the IPC, the said provision which was introduced by the Parliament by Act 46 of 1983 with a view to combat the menace of dowry deaths and harassment of woman at the hands of her husband or his relatives, is reproduced hereinbelow: -

“498A. Husband or relative of husband of a woman subjecting her to cruelty - Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Explanation - For the purpose of this section, "cruelty" means- (a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her meet such demand.”

*For constituting of an offence under Section 498A IPC, the ingredients thereof must be held to be existing. They have been enumerated by the Supreme Court in case titled **Bhaskar Lal Sharma and another Vs. Monica reported as (2009) 10 SCC 604** as below: -*

“29. Thus, the essential ingredients of Section 498A are:-

- 1. A woman must be married,*
- 2. She must be subjected to cruelty,*
- 3. Cruelty must be of the nature of: -*
 - (i) any willful conduct as was likely to drive such woman: -*
 - a. to commit suicide;*
 - b. cause grave injury or danger to her life, limb, either mental or physical;*

(ii) harassment of such woman, with a view to coerce her to meet unlawful demand for property or valuable security, or on account of failure of such woman or by any of her relation to meet the unlawful demand;

(iii) woman was subjected to such cruelty by; (1) husband of that woman, or (2) any relative of the husband.” (emphasis added)

10. After setting out the essential ingredients of Section 498A, it was observed in the aforesaid case that for proving the offence under Section 498A IPC, the complainant must make allegations of harassment to the extent so as to coerce her to meet any unlawful demand of dowry, or any willful conduct on the part of the accused of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health or of such a nature as to cause harassment of such a woman with a view to coerce her to meet the unlawful demand for any property or valuable security or on account of failure of such a woman or any person related to her to meet such unlawful demand, which resulted in the woman being subjected to cruelty by her husband and his relatives.

*11. Cruelty has been defined in the Explanation added to the Section The necessary ingredients of Section 498-A IPC are cruelty and harassment at the hands of the husband of the woman or his relatives. In the case of **Girdhar Shankar Tawade Vs. State of Maharashtra reported as (2002) 5 SCC 177**, the Supreme Court observed that the legislative intent is clear to indicate in particular reference to explanation(b) of the provision that there shall have to be a series of facts in order to prove harassment within the meaning of explanation(b). Para 3 of the aforesaid judgment reads as below: -*

“3. The basic purport of the statutory provision is to avoid “cruelty” which stands defined by attributing a specific statutory meaning attached thereto as noticed herein before. Two specific instances have been taken note of in order to ascribe a meaning to the word “cruelty” as is expressed by the legislatures : Whereas Explanation (a) involves three specific situations viz., (i) to drive the woman to commit suicide or (ii) to cause grave injury or (iii) danger to life, limb or health, both mental and physical, and thus involving a physical torture or atrocity, in

Explanation (b) there is absence of physical injury but the legislature thought it fit to include only coercive harassment which obviously as the legislative intent expressed is equally heinous to match the physical injury : whereas one is patent, the other one is latent but equally serious in terms of the provisions of the statute since the same would also embrace the attributes of “cruelty” in terms of Section 498 A.” (emphasis added)

12. Coming to the case in hand, it is an admitted case that the marriage of the petitioner was solemnized with the complainant on 30.11.2003. So there is no dispute that the complainant is the wife of the petitioner. For establishing cruelty, for the purpose of Section 498A IPC, it has to be seen that the complainant was subjected to cruelty continuously/persistently, or at least in close proximity of time from the date of lodging the complaint. [Refer: Girdhar Shankar Tawade (supra) Ram Kalita (supra)]”.

79. The Hon’ble Supreme Court in a recent judgment titled **Dara Lakshmi Narayana & Others V. State of Telangana & Another, (Arising out of Special Leave Petition (Criminal) No. 16239 of 2024)**, has held as under: -

“18. A bare perusal of the FIR shows that the allegations made by respondent No.2 are vague and omnibus. Other than claiming that appellant No.1 harassed her and that appellant Nos.2 to 6 instigated him to do so, respondent No.2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred. Therefore, the FIR lacks concrete and precise allegations.

22. Learned counsel for respondent No.1 State contended that a prima facie case was made out against the appellants for harassing respondent No.2 and demanding dowry from her. However, we observe that the allegations made by respondent No.2 in the FIR seem to be motivated by a desire for retribution rather than a legitimate grievance. Further, the allegations attributed against the appellants herein are vague and omnibus.

24. Insofar as appellant Nos.2 to 6 are concerned, we find that they have no connection to the matter at hand and have been dragged into the web of crime without any rhyme or reason. A perusal of the FIR would indicate that no substantial and specific allegations have been made against appellant Nos.2 to 6 other than stating that they

used to instigate appellant No.1 for demanding more dowry. It is also an admitted fact that they never resided with the couple namely appellant No.1 and respondent No.2 and their children. Appellant Nos.2 and 3 resided together at Guntakal, Andhra Pradesh. Appellant Nos. 4 to 6 live in Nellore, Bengaluru and Guntur respectively.

25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

31. Further, this Court in Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667 held that 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 by the husband's close relatives 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 complainant are required to be scrutinized with great care and circumspection."

80. Similarly, Hon'ble Supreme Court of India in case titled **Muppidi Lakshmi Narayana Reddy & Others Vs. The State of Andhra Pradesh & Another, (Arising out of SLP (Crl.) No(s). 2570 of 2018)**, has held as under: -

"3. The appellant No.1 (A4) is the sister-in-law of the de-facto complainant, appellant No. 2 (A5) is the husband of A4 and appellant No. 3 (A6) is the father-in-law of appellant No. 1 (A4).

6. It is the case of the appellants that they are nowhere connected with the dispute between the husband and the wife or the husband's family members. The appellants are residing at Hyderabad. On the complaint of the father of the respondent no. 2 (de-facto complainant) an offence under Section 66C of the Information Technology Act was registered against the husband (A1) which is pending as CC No. 775 of 2016 before the learned Special Judicial First-Class Magistrate for Prohibition and Excise, Gunturu, Andhra Pradesh. It is further case of the appellants that accused no. 4 is a housewife, accused no. 5 is a Software Engineer in a Private Software Company and accused no. 6 is a Central Government employee and all are stationed at Hyderabad having no connection or intervention with the dispute between the de-facto complainant and her husband.

8. Having heard learned counsel for the parties and on perusal of record it appears that there are omnibus and general allegations against the appellants. As per complaint, although, they reside at Hyderabad, they used to visit Guntur and during such visit they used to instigate accused no. 1/husband and his parents and would also join in demanding dowry. The initial allegation is of demand of Rs. 5,00,000/- made against accused No. 4/appellant no. 1 with further statement that they used to taunt that if accused no. 1 would have married somewhere else, he would have got Rs. 10 crores dowry. There is no allegation of any physical torture being perpetrated by the present appellants. The allegation is only of taunt and statement that they are highly placed having political influence and connection with Ministers as such they instigated accused no. 1 to accused no. 3 to pressurise the

de-facto complainant to get additional dowry.

9. *There is no denial of the fact that the appellants reside at Hyderabad whereas the de-facto complainant stayed at Guntur in her marital house. There is no specific date as to when the present appellants visited Guntur and joined accused nos. 1 to 3 in demanding dowry from de-facto complainant. Considering the growing trend of the dowry victim arraigning the relatives of the husband, this Court in the matter of **Geeta Mehrotra & Anr. vs. State of Uttar Pradesh & Anr.** has deprecated the practice involving the relatives of the husband for the offence under Section 498A IPC and Section 4 of Dowry Prohibition Act, 1961. The following has been held in para 18: -*

“18. Their Lordships of the Supreme Court in Ramesh case [(2005) 3 SCC 507 : 2005 SCC (Cri) 735] had been pleased to hold that the bald allegations made against the sister-in-law by the complainant appeared to suggest the anxiety of the informant to rope in as many of the husband's relatives as possible. It was held that neither the FIR nor the charge-sheet furnished the legal basis for the Magistrate to take cognizance of the offences alleged against the appellants. The learned Judges were pleased to hold that looking to the allegations in the FIR and the contents of the chargesheet, none of the alleged offences under Sections 498- A, 406 IPC and Section 4 of the Dowry Prohibition Act were made against the married sister of the complainant's husband who was undisputedly not living with the family of the complainant's husband. Their Lordships of the Supreme Court were pleased to hold that the High Court ought not to have relegated the sister-in-law to the ordeal of trial. Accordingly, the proceedings against the appellants were quashed and the appeal was allowed.”

81. In the facts and circumstances of the present case, there are allegations of cruelty levelled by respondent no. 2 against the appellants herein and to prove its case the prosecution has sought corroboration from PW4, PW8 and PW9. However, the other factual things that have escaped from the mind of the Ld. Trial Court is the time gap between the incidents of cruelty and lodging of the complaint, the

independent witness PW6, the willingness of respondent no. 2 to reside with appellant no. 1 despite acts of cruelty, keeping the complaint in abeyance, the position of respondent no.2 in society/her educational qualifications/her background/her understanding of rights.

82. This case is a classic example of misuse of provision of Section 498A IPC. The respondent no. 2 in her testimony before the court has alleged the following acts of cruelty by the appellants: -

- (a) The in-laws taunted her for not bringing enough dowry in the marriage.
- (b) She was not given food by her in laws and appellant no. 1.
- (c) In the month of December itself, appellant no. 1 and appellant no.2 pressurised her and demanded a flat from my father in Delhi so that respondent no. 2 can reside in Delhi with appellant no. 1 and attend her office. Upon denial, appellant no. 2 has beaten respondent no.2 and called her of bad character.
- (d) On 02.02.2004, the appellant no. 2 had abused and threatened respondent no. 2. Thereafter, father of respondent no. 2 made efforts and found a suitable house on rent on 08.02.2004, where respondent no.2 shifted with appellant no. 1.
- (e) Even thereafter, the appellant no.1 kept on hitting the respondent no. 2 and demanding a flat.
- (f) In March 2004, the appellant no. 1 had pulled the hair of respondent no. 2 and said that he married respondent no. 2 for getting good money as dowry in marriage and he would not take the responsibility of the child as he has to settle his two younger brothers. Appellant no. 1 stated that

child did not belong to him and asked respondent no. 2 to prove that it was the child of appellant no. 1. He used to hide medicines or snatch it from the hand of respondent no. 2.

(g) It is also alleged that the appellant no. 1 used to scare respondent no. 2 by continuous staring at her, by wrapping himself in a white bedsheet.

(h) In may 2004, mother in law came to reside with appellant no. 1 and respondent no. 2 and demanded money on the occasion of birth on new born child. But upon refusal from my parents the appellant no. 1 had beaten respondent no. 2.

(i) Respondent no. 2 was never given any money for domestic expenses by appellant no. 1 nor she was given any gifts by appellant no. 1.

(j) On 31.10.2024 appellant no. 1 demanded Rs. 20 lacs from my father for opening up a petrol pump for brother in law.

(k) On 2/3 November 2004 appellant no. 1, appellant no. 2 and mother in law had beaten up respondent no. 2. On 4.11.2004, appellant no. 1 had threatened to kill respondent no.2 in front of mother of respondent no. 2.

(l) On 10.11.2024, the appellant no. 1 took off the clothes of 6 days baby due to which he was shivering in cold and asked respondent no. 2 to choose between her parents and him.

(m) On 12.11.2024, on the day of Diwali demand of Rs. 20 lacs was once again made by appellant no. 1 to the father of respondent no. 2 in presence of her mother. They were humiliated by appellant no.1, appellant no. 2 and the mother in law.

(n) On 15.11.2004 the appellant no. 1 left the company of respondent no. 2 and his child and after some days the respondent no. 2 started residing at her parental home.

(o) On 20.01.2005 some elderly people intervened and appellant no. 1 decided to co habit with respondent no. 2 if some money is given to him but he was unhappy. On 01.02.2005 when mother in law came to reside with respondent no. 2 and appellant no.1 she demanded a sum of Rs. 20 lacs again. Appellant no. 1 said that he would hurt the child if money is not given, then appellant no. 1 took the child in his arms and stood in the balcony, the mother-in-law held the hand of respondent no. 2 tightly and just then appellant no. 1 shouted that he will drop the child from the balcony.

(p) On 06.03.2005, appellant no.1 had left respondent no. 2 with the child and thereafter respondent no. 2 came to live at her parent's house alongwith the child. It is alleged that the appellant no.1 did not fulfill his responsibilities towards respondent no. 2 and his child and on 10.05.2007 a complaint was lodged with CAW.

83. These allegations of PW1/respondent no. 2 has found corroboration with PW4, PW8 and PW9 who happens to be the relatives of PW1 being father, mother and brother. Apart from these witnesses the Ld. Trial Court has not evaluated any other circumstance. It is a settled principle of law that the evidence tendered by the related or interested witness cannot be discarded on that ground alone. However, as a rule of prudence, the Court may scrutinize the evidence of such related or interested witness more carefully. Hon'ble Supreme Court of India in **Ilangovan Vs. State of T.N., (2020) 10 SCC 533**, has held as follows: -

“7. With respect to the first submission of the counsel for the appellant, regarding the testimonies of related witnesses, it is settled law that the testimony of a related or an interested witness can be taken into consideration, with the additional burden on the Court in such cases to carefully scrutinise such evidence (see Sudhakar Vs. State, (2018) 5 SCC 435). As such, the mere submission of the counsel for the appellant, that the testimonies of the witnesses in the case should be disregarded because they were related, without bringing to the attention of the Court any reason to disbelieve the same, cannot be countenanced.”

84. In the instant case, there are reasons to disbelieve the testimony of the witnesses for the facts that have remained unnoticed by the Ld. Trial Court. Firstly, as per the case of the prosecution respondent no. 2 was subjected to cruelty from the first day of her marriage until 06.03.2005 but she had lodged the complaint for the first time on 10.05.2007, i.e., almost after two years. The prosecution has tried to explain the delay by stating the respondent no. 2 was hopeful that her marriage would survive but the kind of allegations that have been levelled against appellant no. 1 and appellant no. 2 in the present complaint will not be tolerated by an educated female or her family. It is not the case of the prosecution that the respondent no. 2 was uneducated or unaware about her rights. There was no reason for the respondent no. 2 to tolerate such acts of cruelty. It is the case of the prosecution that the last act of cruelty was committed by the appellant on 06.03.2005, had the allegations being true without any exaggeration and serious in nature an ordinary prudent person would have lodged a complaint immediately, but in the facts of the present case no complaint was lodged immediately, in fact efforts were made to reconcile. It was only when all the efforts for reconciliation went in vain then a complaint was

lodged on 10.05.2007. It is herself stated by PW1 in her examination-in-chief as under: -

“Having being harassed by my husband and in-laws, I approached to the CAW Cell on 10.05.2007. On the first hearing, I came to know the bitter truth that my husband has left for Canada for a long period of 3 years without intimating me. Even my in-laws did not care to intimate me. I was left alone with the child.

Meetings between me and my in-laws were held in CAW Cell on 23.05.2007, 15.06.2007, 06.07.2007, 31.07.2007, August 2007, 14.11.2007 and 30.11.2007. In this there was no positive outcome and my husband never attended any of the meetings in CAW Cell.

On 09.10.2007 my husband send a letter through Fax in which he assured to Hon'ble ACP, CAW Cell that he would come to India in April/May 2008.

I, with a positive attitude and full of hope, withhold the proceedings of CAW Cell on 30.11.2007 according to my husband's will.

But my husband never returned. Also, my husband and in-laws did not have any kind of communication and correspondence with me or with the child till date. Whenever, I gave call to my father in law or mother in law, they threatened me to forget my husband and go to hell. They further threatened me that he would re-marry in Canada and they do not have any kind of relationship with me.

Moreover, the husband has not shown me in family detail in his office record as a wife.

On 27.08.2008 I made a complaint to Asst. Commissioner of Police, CAW Cell, Nanakpura same is Ex. PW-1/B bearing my signature at point A. I also enclose the wedding card, reports of RML Hospital New Delhi, list of items of istridhan and address of my husband in Canada with my complaint Ex. PW-1/B.

When my husband did not return from Canada after waiting for three years, I went to Canada in July 2010 alongwith my father Sh. Pooran Chandra, brother Sh. Deepak Chandra and my 5 year old son so that I can talk to him about making our home.

But my husband started shouting angrily on seeing us. He started abusing us badly. He turned towards me and asked me to get lost. He said that he will not keep me in Canada under any circumstance and he further

threatened me to get me arrested on false allegation by Canadian police.

He started pushing us out of his drawing room. He did not offered even a glass of water to us or even to his child.

After my father's request he agreed to me us at a third place. There he said that he did not want to talk on this issue further and he will never allow me and my child to live in Canada and further talk on this matter will be in India only.

My husband returned to India in August 2010 without my knowledge. In November 2010 when I came to know that my husband has arrived in India, I went to talk to him on 15.11.2010 alongwith my father and brother with full hope of making our matrimonial home.

But again my husband insulted all of us. He again abused us badly. When I tried to talk to him, he pushed me and shouted that he wanted divorce from me under all circumstances. He went up saying to the extent that the son is dead for him. He warned me not to come to his house in future.

He told me that he has arrived in India and nobody can harm him.

On listening this I started weeping. Seeing my condition my father touched his feet and requested to think about my son. To this he stood up for beating us and asked us to leave the home at once.

Broken hearted we left the home.

After a few days, my mother in law rang and said that "jo kuch hoga court me dekhege" and do not try to meet her son (my husband).

On 28.12.2008 10 seized documents i.e. original marriage card, affidavit of MCD and photocopy bill of caterers. photocopy of Voter I.D. Card, copy of bill of Santro car no. DL9CG 4566, receipt of jewellery, copy of medical treatment of RML hospital, copy of treatment slip of MKW Hospital, 8 photo of engagement and marriage, rent receipt, copy of passbook of Pooran Chandra and copy of Khatooni, copy of income tax return of Chandra Deepak and copy of document of IBP, Panipat. Same were seized vide memo Ex. PW1/C bearing my signature at point A.

List of istridhan article is Ex. PW1/D bearing my signature at point A. Original marriage card is Ex. PW1/E,

affidavit dated 19.09.2003 Mark A, Voter ID card Ex. PW1/F (OSR), document of Hans Hyundai Ex. PW1/G (colly) (3 pages), copy of bill of caterers Ex. PW1/H (OSR), Jewellery bill of Balaji Jewellers (4 pages) (OSR), copy of treatment receipt of RML hospital Ex. PW1/J (colly) (7 pages) (OSR). OPD slip of MKW hospital Ex. PW1/K (OSR), 8 photographs of engagement and marriage are Ex PW1/L (colly), copy of rent receipt Ex. PW1/M (colly), copy of passbook is Ex. PW1/N (OSR) (colly), copy of interview call letter of Smt. Anita Ahirwar Mark X-1, Copy of ITR of Deepak Chandra Ex. PW1/O (4 pages) (OSR) (colly), copy of khatooni is Mark X-2 (3 pages) (colly).

In view of the physical and mental torture by my husband, father in law, mother in law and brother in law which I have stated in my complaints, desertion by my husband and not returning my istridhan which are still in the custody of my husband and in-laws and I have suffered very much.”

85. This Court is unable to understand when appellant no. 1 was not a fit person to co-habit with and the life of respondent no. 2 was so miserable so as to constitute the offence of cruelty then why did continuous efforts of reconciliation were made by respondent no. 2 and her family. If the conduct of appellant no. 1 and appellant no. 2 was such as could have posed threat to the life of respondent no. 2 and her child, why was she willing to reside with appellant no. 1. Not just that, the appellant no. 1 had travelled to Canada in July 2010 after lodging another complaint on 27.08.2008, to propose co-habitation, which proposal was also rejected by the appellant no.1. This conduct of respondent no. 2 is not in conformity with the allegations made by her against appellant no.1 and appellant no. 2. It appears that the complaints dated 10.05.2007 and 27.08.2008 were pressed upon by the respondent no.2 to take revenge and vengeance when respondent no. 2 could see that her relationship with appellant no. 1 has reached beyond repair. PW4, PW8 and

PW9 are bound to support PW1 being her blood relations and they could not have accepted the broken marriage of PW1.

86. The testimony of PW6 is totally ignored by the Ld. Trial Court. PW6 was the person who was involved in marriage talks of appellant no.1 and respondent no. 2. He was known to the father of respondent no.2 since 1954 and took active part in the reconciliation meetings. It is stated by him that he was aware about the strained relations between appellant no.1 and respondent no. 2 and had therefore, made efforts for reconciliation but no reconciliation could take place. He during his cross-examination also stated the no dowry demand at the time of wedding and after the marriage was made within his knowledge, meaning thereby that PW6 who is known/close to the family of respondent no. 2 for more than 50 years, who actively participated in mediation/reconciliation between the respondent no. 2 and appellant no.1 did not have knowledge about dowry demands. This casts serious doubts upon the veracity of the allegations made by PW1. In Indian society, it is generally known that to save marriage females do suffer atrocities from husband and in-laws, but this is not true in all cases and cannot be generalized in every situation especially where female is independent and educated. The conduct of respondent no. 2 is questionable at one particular instance, where she said that appellant no. 1 had held the child in balcony and threatened that he will drop the child. It is possible that as a wife respondent no. 2 was tolerating cruel behavior of appellant no. 1 and appellant no. 2 but when it comes to safety of her child, no mother would risk the same for a marriage. And that incident was so grave that any

female ought to have registered a complaint, after all it was about life of 6 days old child.

87. Reliance is placed upon the judgment of the Hon'ble Supreme Court of India in **Rajesh Chaddha Vs. State of Uttar Pradesh (2025 SCC Online SC 1094)** it was held as under: -

“9. In the present case, the allegations made by the Complainant are vague, omnibus and bereft of any material particulars to substantiate this threshold. Apart from claiming that Appellant husband harassed her for want of dowry, the Complainant has not given any specific details or described any particular instance of harassment. The allegations in the FIR, and the depositions of the prosecution witnesses suggest that on multiple occasions, the Complainant wife was ousted from the matrimonial house, and kicked and punched in the presence of her father, PW-2 herein and she was repeatedly tormented with dowry demands, and when she was unable to honor them, the Appellant and her family physically beat her up; whereas she has not mentioned the time, date, place, or manner in which the alleged harassment occurred. It is alleged that the Complainant suffered a miscarriage, as she fell down, when the Appellant and her family who pushed her out of the house; however, no medical document from any medical institution or hospital or nursery was produced to substantiate the allegations.

10. Upon carefully considering the record, we find that apart from the statements of PW-1 and PW-2, there is no evidence to substantiate the allegations of harassment and acts of cruelty within the scope of Section 498A of IPC, and Section 4 of the D.P. Act, 1961. For this reason, we find merit in the submission of the learned Counsel for the Appellant, and are of the considered view that there is no material on record to establish the allegations of hurt or miscarriage, and of hurt and criminal intimidation in terms of Section 323 r/w 34 and Section 506 IPC respectively. The Trial Court has rightly held that evidence of the Complainant is the only strong evidence that she sustained injuries on various parts of her body due to the physical assault by the accused persons, and that there was no medical examination conducted by the Complainant, so as to prove that the miscarriage was a consequence of the physical assault.

11. The Trial Court has indeed applied its judicial mind to the material on record whilst acquitting the Appellant and the co-accused parents-in-law for offences under

Section 323 r/w 34 & Section 506 IPC. However, it appears that the Trial Court had passed the order of conviction of the Appellant under Section 498A IPC & Section 4 of the D.P. Act, 1961, merely on the possibility that the allegations and the depositions of the PW-1 corroborated by PW2, are true and correct. Although one cannot deny the emotional or mental torture that the Complainant may have undergone in the marriage, however a cursory or plausible view cannot be conclusive proof to determine the guilt of an individual under Section 498A & Section 4 of the D.P. Act, 1961, especially to obviate malicious criminal prosecution of family members in matrimonial disputes. In this respect, we also cannot ignore that the FIR dt. 20.12.1999 was registered after the Appellant had filed the Divorce Petition under Section 13 of Hindu Marriage Act, 1955 on 06.02.1999. In consideration thereof and that the Complainant had cohabited with the Appellant only for a period of about a year, it appears that the FIR registered by the Complainant was not genuine.”

88. Also, in another recent judgment of Hon’ble Supreme Court of India titled **Jayedeeptsinh Pravinsinh Chavda and Others Vs. State of Gujarat, (2024 INSC 960)**, and **Digambar Vs. State of Maharashtra (2024 INSC 1019)**. It was observed as under: -

“11. From the above understanding of the provision, it is evident that, ‘cruelty’ simpliciter is not enough to constitute the offence, rather it must be done either with the intention to cause grave injury or to drive her to commit suicide or with intention to coercing her or her relatives to meet unlawful demands.”

89. In the present case, it is clear that ‘cruelty’ is not enough to constitute the offence. It must be done with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. In the present case, the allegations levelled in the FIR do not reveal the existence of such cruelty. The prosecution could not also establish that respondent no. 2 was subjected to cruelty to meet unlawful dowry demands, as the same has been disputed by independent witness PW6.

90. The allegations against appellant no. 2 are vague and omnibus in nature and in reliance of Dara Singh (supra), the conviction against appellant no. 2 cannot be sustained.
91. For the abovesaid reasons, the **appeal is allowed**. Resultantly, **impugned judgment of conviction dated 31.07.2023 and impugned order on sentence dated 25.10.2023 passed by Ld. MM (Mahila Court-01), South-West District, Dwarka Courts, New Delhi, in case bearing FIR No. 106/08 of PS Nanakpura, are set aside and appellants Mukhtiar Singh and Satender Partap Singh are acquitted in the said case**. Appellants are directed to furnish bonds in terms of Section 437A CrPC (481 BNSS) in the sum of Rs.10,000/- each before Ld. Trial/Successor Court within one week from today.

Copy of this judgment be given dasti to appellants free of cost.

TCR alongwith copy of this judgment be sent to concerned Ld. Trial/Successor Court for information and compliance.

The Criminal Appeal alongwith pending application, if any, stands disposed of.

Appeal file be consigned to record room after due compliance.

Announced in the open
Court on 29.08.2025.

(SHIVALI BANSAL)
ASJ-02, DWARKA COURTS,
S-W DISTRICT, NEW DELHI