

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO(S). _____ OF 2024
(Arising from SLP(Crl.)No(s).7381/2023)**

RAMESH KANNOJIYA & ANR.

APPELLANT(S)

VERSUS

STATE OF UTTRAKHAND & ANR.

RESPONDENT(S)

ORDER

Leave granted.

Heard learned counsel for the appellants and the respondents.

The appellants have been implicated in a case arising out of a complaint under Sections 498A, 323, 504, 506 of the Indian Penal Code (hereinafter called “the IPC”) and the provisions of the Dowry Prohibition Act, 1961. The appellants are neighbours of the family of the husband (accused no.1). They also appear to have had facilitated the marriage between the complainant and the said accused. Main argument of the

appellants is that they are not relatives of the husband and hence they cannot be implicated in any offence punishable under Section 498A of the IPC. The High Court dismissed the petition of the appellants for quashing the summoning order and the operative part of the judgment reads:-

“At the initiation of the arguments extended by the learned counsel for the applicant, he attempted to argue the matter from the perspective that if the complaint as it was registered by respondent no.2 on 24.10.2020 is taken into consideration, their names appears in the complaint at serial number 5 and 6. He contends, that the entire summoning order which has been issued by the Court of Judicial Magistrate on 27.11.2020 would be bad in the eyes of the law for the reason being that the applicant, since not being related to the other opposite party, they may not be falling within the purview of commission of offence under Section 498A.

In support of his argument, the learned counsel for the applicants has submitted, that he wants to place reliance on a judgment in which it has been dealt as to what the impact of the term 'relative' would be under Section 498A of IPC, had been considered by the judgment of the Allahabad High Court but, unfortunately, the learned counsel for the applicants is not ready with the said judgment and the various lame excuses have been taken for not being able to present the said judgment before the Court, because for the purposes of appreciation of a case to decide the matter on merits, the judgments are required to be scrutinized in the light of the actual controversy involved in a C482 application, and there cannot be only an oral assertion at the behest of the learned counsel for the applicants that the issue stands covered by the certain judgments, without placing the same before the Court.

Faced with the aforesaid situation, this Court requested the learned counsel for the applicants to place the judgment before the Court. He said that he does not have the copy of the same and the C482 application may be dismissed.

Since, there is no proper assistance provided by the learned counsel for the applicant, the C482 application would stand dismissed.”

(quoted verbatim from the judgment as reproduced in the paperbook)

Before us, the appellants have relied on the judgment of this Court in the cases of **Vijeta Gajra vs. State of NCT of Delhi** reported in 2010 (11) SCC 618 and **U. Suvetha vs. State By Inspector of Police and Anr.** reported in 2009 (6) SCC 757. In the case of **Vijeta Gajra** (supra), it has been held by a coordinate Bench of this Court:-

“12. Relying on the dictionary meaning of the word “relative” and further relying on P. Ramanatha Aiyar’s Advance Law Lexicon, Vol. 4, 3rd Edn., the Court went on to hold that Section 498-A IPC being a penal provision would deserve strict construction and unless a contextual meaning is required to be given to the statute, the said statute has to be construed strictly. On that behalf the Court relied on the judgment in T. Ashok Pai v. CIT[(2007) 7 SCC 162]. A reference was made to the decision in Shivcharan Lal Verma & Anr. v. State of M.P.[(2007) 15 SCC 369]. After quoting from various decisions of this Court, it was held that reference to the word “relative” in Section 498-A, IPC would be limited only to the blood relations or the relations by marriage.”

In such circumstances, we modify the judgment assailed in this appeal and quash the summoning order as against the appellants so far as the allegation of commission of offence under Section 498A of the IPC is concerned. The

appellants cannot be implicated in that offence. So far as other offences are concerned, the prosecution of the appellants shall proceed in accordance with law.

The appeal stands disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

.....**J.**
[ANIRUDDHA BOSE]

.....**J.**
[SANJAY KUMAR]

New Delhi;
February 16, 2024.

ITEM NO.31

COURT NO.5

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 7381/2023
(Arising out of impugned final judgment and order dated 02-05-2023
in C482 No. 175/2022 passed by the High Court Of Uttarakhand At
Nainital)

RAMESH KANNOJIYA & ANR.

PETITIONER(S)

VERSUS

STATE OF UTTARAKHAND & ANR.

RESPONDENT(S)

(IA No. 116189/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT & IA No. 116191/2023 - EXEMPTION FROM FILING O.T.)

Date : 16-02-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Rajesh Pathak, Adv.
Mr. Sumit Kumar, AOR
Mr. Anshuman Purohit, Adv.
Mr. Gokul, Adv.
Mrs. Kumari Supriya, Adv.
Mr. Bharath, Adv.

For Respondent(s) Mr. Vishwa Pal Singh, AOR
Mr. Vikas Negi, Adv.
Mr. Ashutosh Bhardwaj, Adv.
Mr. Prateek Rai, Adv.
Mr. Mukesh Kumar, Adv.
Mr. Vishal Chauhan, Adv.
Mr. Suraj Pal Singh, Adv.
Mr. Himanshu Pal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order, which
is placed on the file.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR

