

Ranjit Kaur Vs. Atam Singh

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Court : Punjab and Haryana

Decided On : Aug-18-1990

Reported in : I(1991)DMC100

Judge : S.D. Bajaj, J.

Acts : [Dowry Prohibition Act, 1961](#) - Sections 2

Appeal No. : Criminal Misc. No. 2572-M of 1990

Appellant : Ranjit Kaur

Respondent : Atam Singh

Advocate for Def. : U.D. Gaur, Adv.

Advocate for Pet/Ap. : S.M.L. Arora, Adv.

Disposition : Petition allowed

Judgement :

S.D. Bajaj, J.

1. Heard. Amended definition of term dowry obtaining in Section 2 of the Dowry Prohibition Act,1961 reads ;--

'Definition of dowry :--In this Act dowry means any property or valuable security given or agreed to be given either directly or indirectly :--

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Explanation I xx xxExplanation II--The expression valuable Security has the same meaning as in Section 30 of the Indian Penal Code (45 of 1860)'.

In terms of Clause (b) of Section 2 of the [Dowry Prohibition Act, 1961](#) the ornaments given by mother-in-law to her daughter-in-law in Ranjit Kaur petitioner: after her marriage with Manvinder Singh are her 'dowry' and accusation of their misappropriation levelled by her father-in-law Atam Singh against the petitioner in complaint Annexure P. 4 is, therefore, wholly groundless.

2. Learned counsel for the respondent has referred me to the observations made by the Supreme Court in Pratibha Rani v. Suraj Kumar and Anr., AIR 1985 SC 628 and urged that the petitioner should disprove the allegations levelled against her in complaint Annexure P. 4 before the learned trial court and get herself exonerated therefrom and until this is done by her there is no justification for quashing the complaint. The argument advanced is wholly without merit and the authority cited does not support it. Complaint Annexure P. 4 is being quashed on account of its being groundless for the reasons aforesaid and because continuance-of further proceedings based upon it against the petitioner before the learned trial court, would obviously be in terms of the legal position explained above an abuse of the process of the Court and cause avoidable harassment to the petitioner at the hands of her father-in-law.

3. In result Criminal Misc. No. 2572-M of 1990 succeeds and is allowed. Complaint Annexure P-4 and the summoning order dated 16th December, 1989 of the

learned trial court passed against the petitioner on its basis are both quashed.

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