

Ravinder Kumar Vs. State of Haryana

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Court : Punjab and Haryana

Decided On : Mar-01-2002

Reported in : II(2002)DMC395

Judge : M.L. Singhal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 482; [Indian Penal Code \(IPC\), 1860](#) - Sections 406, 498A and 506

Appeal No. : Criminal Misc. No. 6541-M of 1994

Appellant : Ravinder Kumar

Respondent : State of Haryana

Advocate for Def. : Sachir Nehra, A.A.G.

Advocate for Pet/Ap. : Bipan Ghai, Adv.

Judgement :

M.L. Singhal, J.

1. Through this CrI. Misc. filed under Section 482 of the Criminal Procedure Code, Ravinder Kumar, his sister Sarita @ Rosi and parents Khazan Chand and Shora Rani have prayed for the quashing of the case FIR No. 124 dated 16.4.1993 of P.S. Ambala Cantt. registered under Sections 498-A/406/506, IPC.

2. Facts: One Neelam was married to Ravinder Kumar son of Khazan Chand on 10.2.1989. As per her, at the time of marriage, her brother and mother had given dowry per their financial capacity. Her husband Ravinder Kumar, mother-in-law Shora Rani, father-in-law Khazan Chand, sister-in-law Savita @ Rosi, however, were not satisfied with the dowry brought by her in marriage. Soon after her marriage to Ravinder Kumar, they started harassing her and taunting her saying that she had not brought adequate dowry. So that she felt coerced in satisfying their demand, they subjected her to beatings also. She became fed up with the ill-treatment being meted out to her by them. She wrote letters to her brothers informing them that her father-in-law, mother-in-law, sister-in-law and husband were asking her to bring Rs. 1 lac from her brothers. She also wrote to her brothers that they were taunting her saying that they were getting offers of girls belonging to rich and affluent families for Ravinder Kumar and by accepting this matrimonial alliance they had ruined the life of Ravinder Kumar. Neelam told her parents-in-law, sister-in-law and husband that her brothers were not in a position to afford any more. Her inability to satisfy their demand was not taken kindly by them. On the contrary, they said that if she was not in a position to satisfy their demand she had no place in the matrimonial home and she must leave the matrimonial home and stage come back only if she arranged money for meeting their demand. She was threatened to be liquidated in case she did not fulfil their demand and further they would marry Ravinder Kumar over again.

3. When her brother Shish Pal Bhola came to meet her, she narrated the entire matter to him. He tried his best to persuade her in-laws to give up their demand and be kind to Neelam. So much, he brought Panchayat also several times for persuading her in-laws to give up their demand and be kind to her. After they returned, they used to increase the tempo of ill-treatment towards her and would become more vociferous in beating and ill-treating her. Many times she was pushed out of the house. In January, 1990, her husband left her at Ambala Cantt. when she was in family way. She gave birth to a daughter who was named Nisha. Her elder brother took her to the house of her in-laws following a compromise with the intervention of the Biradari. He left her at Delhi i.e. the place of her in-laws and returned after handing over Rs. 25,000/- to her husband. Rs. 25,000/- did not satisfy her husband. A few days after, she was asked again to bring on remaining

amount of Rs. 75,000/-. She was taunted and beaten for having given birth to a daughter who was a liability on them. On April 4,1991, she was beaten and turned out of the matrimonial home by her husband, mother-in-law, father-in-law and sister-in-law. When she was turned out of the matrimonial home on April 4,1991, she was given Rs. 50/-. She was warned that if she wanted her rehabilitation into the matrimonial home, she must bring the remaining amount of Rs. 75,000/- with her. Thereafter, her brother took Panchayats to them 3-4 times with a view to bringing about reconciliation and correcting the matrimonial rupture but to no effect.

4. Sarita @ Rosi was her unmarried sister-in-law. What she had to do if Neelam had brought more dowry or less dowry. If she had brought more dowry, that was meant to be used by her, her husband and their family (family of Ravinder Kumar and Neelam). If she had brought less dowry, that was again to be used by Neelam, Ravinder Kumar and their family (family of Ravinder Kumar and Neelam). So far as Ravinder Kumar, his parents Khazan Chand and Shora Rani are concerned, they were equally concerned in the dowry brought by Neelam. If she had brought more dowry, that would have added more comforts to them and also status.

5. For the reasons given, this case is quashed qua Sarita @ Rosi alone. This case will proceed so far as Ravinder Kumar and his parents Khazan Chand and Shora Rani are concerned. Khazan Chand and Shora Rani are allowed exemption from appearance before the learned trial Magistrate. Learned Magistrate will call them only when their presence before him is absolutely necessary and their Counsel cannot serve the purpose.

This Crl. Misc. Petition is partly allowed.