

Delhi District Court

State (Gnct Of Delhi) vs Babita on 10 April, 2013

Author: Dr. Kamini Lau

IN THE COURT OF Dr. KAMINI LAU: ADDL. SESSIONS
JUDGE-II (NORTH-WEST): ROHINI COURTS: DELHI

CR No. 27/2013

State (GNCT of Delhi)

..... Revisionist

Versus

1. Babita
W/o Umesh Verma
R/o B-12, Vill. & Post - Hastinapur
Meerut, Uttar Pradesh.
2. Jitender
S/o Ram Kumar Verma
R/o Vill.: Naurojpur Gujjar
Distt.: Bagpat, Uttar Pradesh

..... Respondents

10.4.2013

O R D E R:

Present: Ld. Addl. PP for the Revisionist / State. (1) This revision petition under Section 397 read with Section 401 Code of Criminal Procedure has been filed on behalf of the State against the impugned order dated 27.2.2013 passed by Ld. Trial Court in case FIR No. 685/02 Police Station Mangolpuri under Section 406/498A/34 Indian Penal Code titled 'State vs. Subhash & Ors.' thereby discharging the respondents / accused Babita and Jitender at the stage of charge.

(2) It is pleaded that on 15.4.2001 the complainant Asha was married to the accused Subhash (since PO) and ever since she was being harassed by her in-laws including the respondents before this court for bringing insufficient dowry. It is pleaded that there are clear allegations against the respondents that on 23.4.2001 they snatched the jewellery items of the complainant. It is further pleaded that on 13.6.2001 the the accused persons mercilessly beaten the complainant at the house of Babita. It also pleaded that the impugned order of the Ld. Trial Court has caused grave miscarriage of justice.

(3) Heard arguments on the revision petition on behalf of Addl. PP for the State and considered the grounds raised therein. I have also gone through the Trial Court record which reveals that the FIR in question was registered in the year 2002. The respondent Babita is the wife of late Sh. Umesh Kumar cousin of the husband of the complainant and respondent Jitender is also first cousin of the husband. The respondents Babita and Jitender are residing separately. Babita is residing at B-12, Village & Post Hastinapur Meerut, Uttar Pradesh whereas Jitender is residing at Village Naurojpur

Gujjar, Distt.: Bagpat, Uttar Pradesh and prima facie have nothing to do with the family and the matrimonial life of the complainant.

(4) The perusal of the complaint shows that the allegations made against the respondents are general and vague and attempt perhaps is to intimidate by involving the entire family of the husband including those who are residing separately which is highly improper.

(5) I am compelled to observe that Section 498A IPC in the recent years has become consummate embodiment of gross human rights violation, extortion and corruption and even the Apex Court of our country had acknowledged this abuse and termed it as Legal Terrorism. The provisions of Section 498 A IPC are not a law to take revenge, seek recovery of dowry or to force a divorce but a penal provision to punish the wrong doers. The victims are often misguided into exaggerating the facts by adding those persons as accused who are unconnected with the harassment under a mistaken belief that by doing so they are making a strong case. Courts cannot be a party to any kind of exploitative situation and it is necessary for every complainant to remember that it is only an honest complaint which succeeds in law where contents are supported by facts on the ground and persons, who are not connected with the harassment, should never be arrayed as accused. The platform of the courts cannot be permitted to be used to wreck personal vendetta or unleash harassment and the tendency of the complainants to come out with inflated and exaggerated allegations by roping in each and every relation of the husband is required to be deprecated. The obligation of the court is to ensure that innocent persons are not put to harassment and to curtail the frivolous allegations at the earliest stage by looking for due corroboration from the facts. (Ref.: Savitri Devi Vs. Ramesh Chand & Ors., CRL (R) 462/2002 decided on 30.5.2003); Criminal Appeal No. 33941/05 datde 2.3.2010, Delhi High Court; Arjun Ram Vs. State of Jharkhand & Anr., 2004 CLJ 2989; Mukesh Rani Vs. State of Haryana, 2002 (1) RCR (Criminal) 163 and Anu Gill Vs. State & Anr., 2001 (2) JCC (Delhi) 86.

(6) I may further add that in any matrimonial dispute, it is the primary duty of every court to ensure that for any fault of the husband, his other relatives including married sisters and brothers who may be living jointly or separately and the aged parents are not involved either out of vengeance or to curl out appropriate settlement.

(7) I am in full agreement with the observations made by the Ld. Trial Court that there is a growing tendency of roping into all the relatives by making general omnibus allegations. It is the primary obligation of the court to ensure that any special legislation is prevented from its abuse and misuse and this court cannot be a party to the same.

(8) The complaint on the basis of which the FIR was registered show that as per the allegations it is within hardly a week of the marriage that the jewellery of the complainant were reported to be snatched and within two months she had alleged that she was beaten up and the FIR was then registered within a year. I may observe that the respondents are both residing separately in Uttar Pradesh and apparently have nothing to do with the family of the husband of the complainant. No attempts have been made by the Investigating Officer to confirm and verify the correctness of the averments made by the complainant of being beaten at the house of Babita. There was no reason

why she would have gone to the house of a remote relative of her husband in a different State when the entire family of in-laws is residing in Delhi. I find no fault in the order of the Ld. MM holding that the allegations made against the respondents are general and vague. Hence, in this view of the matter I hold that there is no illegality in the order of the Ld. Trial Court dated 27.2.2013 and I find that the manner in which the revision petition has been filed in routine by the State is highly improper. The Hon'ble Delhi High Court has been repeatedly observing that the appeals are being filed by the State in Routine without any application of mind and without evaluating the merits of the case either at the level of the prosecution or the level of competent authority granting the permission to file the same and as a result of these filing of appeals as a matter of routine the Courts who are already overburdened with the pendency gets overburdened by increasing unwarranted litigation. In this regard the Hon'ble Delhi High Court had issued necessary directions to the Secretary (Law), GNCT of Delhi for considering the issue on priority. Reference be made to the order dated 6.1.2012 passed by the Hon'ble Division Bench in Criminal Appeal No. 9/2012 in the case of 'State Vs. Rajiv Lochpal Pani & Anr.'; again in Crl. L.P. No.136/2012 & Crl. M.A. 3042/2012 dated 8.8.2012 in the case of 'State Vs. Naresh & Ors.' and recently reaffirmed vide order dated 25.2.2013 in Crl. L.P. No. 223/2012 & Crl. M.A. No. 5269/2012 in the case of 'State Vs. Ram Kishan & Ors.'. It appears that the repeated directions of the Hon'ble Division Bench are being contemptuously ignored and over looked by the Prosecution Department. I may observe that directions issued by the Hon'ble High Court cannot be ignored or overlooked and the compliance of the same is expected. Any indifference by the State cannot be permitted. Frivolous litigations which eat into the judicial time have to be curbed and it is necessary for the Courts to impose a heavy costs on the Routine Litigation being filed by the State for wasting public time where other important judicial work can be taken care off. At this stage, the Ld. Public Prosecutor submits that due care would be taken in future by the Department so as to ensure the compliance of the directions of the Hon'ble High Court and hence it is on his persuasions that I am not imposing any cost in the present case. (9) With these observations, the present revision petition is hereby dismissed. The Trial Court record if any, be sent back along with copy of detailed order. Revision file be consigned to Record Room.

Announced in the open Court
Dated: 10.4.2013

(Dr. KAMINI LAU)
ASJ (NW)-II: ROHINI