

Supreme Court asks Parliament to revisit dowry-related legislation

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The Supreme Court on Friday asked Parliament to revisit the provision relating to cruelty and dowry harassment, pointing out that a large number of frivolous complaints are filed and courts are flooded with such matrimonial cases.

A Bench of Justice Dalveer Bhandari and Justice K.S. Radhakrishnan said “a serious relook of the entire provision is warranted by the legislation.”

It said: “The courts are receiving a large number of cases emanating from section 498-A of the Indian Penal Code (Husband or relative of husband of a woman subjecting her to cruelty).

It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases.”

Writing the judgment, Justice Bhandari said “The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society.”

Maintaining that it was high time the legislature makes suitable changes to the existing law, the Bench said “It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law.”

On the increasing number of matrimonial litigations in the country, it said “All the courts in our country including this court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.”

The Judges said “It is a matter of common experience that most of these

complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.”

Cautioning the advocates, the Bench said “The members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

In the instant case, the appellants Preeti Gupta, the married sister-in-law, a resident of Surat and brother-in-law Gaurav Poddar challenged the Jharkand High Court order refusing to quash the summons issued by a trial court in Ranchi, in a criminal case filed under Section 498-A by one Manisha Poddar against her husband Kamal Poddar and his relatives, in a matrimonial dispute. Contending that the case had been foisted against them they sought quashing of the impugned judgment and the complaint. The Bench accepting the contentions allowed the appeal and quashed the judgment and the complaint against the appellants.