

Dowry law is a shield, not an assassin's weapon: court

By misuse of the provision a new legal terrorism can be unleashed, says Bench

J. Venkatesan

NEW DELHI: The Supreme Court has upheld the constitutional validity of Section 498 A of the Indian Penal Code, which deals with dowry harassment of a woman by either her husband or his relatives.

"The object of this provision is prevention of the dowry menace. But as has been rightly contended by the petitioner many instances have come to light where the complaints are not bona fide and have been filed with an oblique motive," a Bench, consisting of Justice Arjit Pasayat and Justice H.K. Sema, said dismissing a public interest petition.

'Ignominy'

"In such cases acquittal of

Merely because the provision is declared constitutional, it does not give licence to unscrupulous persons to wreak personal vendetta

the accused does not wipe out the ignominy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery". Merely because the provision was declared constitutional and *intra vires*, it did not give licence to unscrupulous persons to wreak personal vendetta or unleash harassment, the judges said.

The Bench called upon the

Legislature to find out ways of dealing with those who made frivolous complaints or allegations.

Until then, courts would have to take care of the situation within the existing framework.

"The object is to strike at the root of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not an assassin's weapon. If [the] cry of "wolf" is made too often as a prank, assistance and protection may not be available when the actual wolf appears", the Bench said.

"No scope for pre-conceived notion"

Referring to the petitioner's

contention that the investigating agencies and the courts invariably proceeded on the assumption that the accused was guilty, the Bench cautioned the courts and said "there is no scope for any pre-conceived notion or view."

Watchdog

The investigating agencies could not follow a straitjacket formula in matters of dowry torture, deaths and cruelty.

"The role of the investigating agencies and courts is that of a watchdog and not of a bloodhound. It should be their effort to see that an innocent person is not made to suffer on account of unfounded, baseless and malicious allegations," the Bench said.