

Failed marriage is not a crime, says high court

'Anti-Dowry Laws Are Being Misused To Settle Scores'

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New Delhi: Dismayed by the increasing misuse of anti-dowry laws, the Delhi high court has observed that failed marriages are "not a crime" and berated the tendency by women to see souring of matrimony as valid ground to get even with the husband and in-laws or to extract money.

"A failed marriage is not a crime. However, provisions of section 498A (cruelty by in-laws or husband) are being used to convert failed marriages into a crime and people are using this as a tool to extract as much monetary benefit as possible," Justice S N Dhingra said on Thursday while acquitting the husband, in laws and 'jethani' of a woman who had alleged that they poured kerosene on her and set her on fire due to her inability to get dowry or secure an employment for her husband.

"It must be acknowledged that marriages do fail and there is a mismatch not only in an arranged union but even in love marriages, which is discovered during the continuation of married life," the judge remarked as it turned out that the harassment charge was slapped by the wife because she was unhappy with her husband's unemployment and a life of penury. She wanted to gain some compensation and thus slapped false charges against him and his family.

While hearing the case, Justice Dhingra found that the complainant, Veena, had in her statement to the SDM immediately after the purported incident, stat-



WARNING BELLS

- Woman complains on May 9, 2002, against husband, in-laws alleging dowry harassment
- Trial court sentences the accused to 2 years imprisonment
- High Court acquits them of charges on finding that they were 'false statements'
- HC warns trial courts and policemen to be alert in such cases

ed that she had accidentally burnt herself and absolved her husband's family of any harassment charge.

But two days later, on May 11, 2002, the woman's father complained to the SDM that her daughter was being "mistreated" by her in-laws for not bringing enough dowry. He also accused them of harassing his daughter because her family had not been able to get the son-in-law a job. Later, Veena too changed her stance and alleged that her in-laws had tried to burn her alive.

Cautioning the police and trial courts against "false statements" by dowry harassment complainants, the court said, "The investigating agency in such cases must collect all circumstantial and other evidence on claims made by the complainant as the police do not verify any circumstantial evidence nor do they col-

lect any other proof about the claims made by the complainant and this is resulting into gross misuse of the provisions of law." Justice Dhingra had some advice for trial courts too. He asked them to "guard themselves against being swayed by emotions". He told them to be practical.

The court reversed the trial court's order sentencing the husband, Gyan Prakash, Jeevani Devi (mother-in-law) and four other family members to two years imprisonment for harassing the complainant and attempting to murder her five years ago.

"It is an unfortunate case where the complainant, by making a false statement, implicated the entire family," the judge observed after finding that Veena's complaint contradicted the medical testimony.