* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of reserving: 7th July, 2026

Date of Decision: 18th November, 2026

IN THE MATTER OF:

\+ CRL.A. 532/2004

CHHOTEY LAL & JAI DEV .....Appellants

Through: Ms. Aishwarya Rao and Ms. Mansi Rao, Advocates with Appellants-in-person.

versus

THE STATE .....Respondent

Through: Mr. Mukesh Kumar, APP for State with SI Suneel Kumar Sahu, PS South Rohini.

\+ CRL.A. 824/2004

VEERU .....Appellant

Through: Ms. Aishwarya Rao and Ms. Mansi Rao, Advocates with Appellants-in-person.

versus

STATE .....Respondent

Through: Mr. Mukesh Kumar, APP for State with SI Suneel Kumar Sahu, PS South Rohini.

CORAM:
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

VIMAL KUMAR YADAV, J.

1. Marriages not only unite two people but a kind of bond is created between two families. Historically, marriages were matter of political

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adjustments and conveniences especially amongst the kingdoms, across the world. But marriage still essentially means union of two individuals. A young woman not only leaves her parents, siblings and other relatives but also the care, protection, love and respect etc., which though remains, for just one person with whom marriage takes place. In these circumstances, expecting the same, if not more, degree of love, care, protection and respect is not unusual rather a very fair expectation. In this context, it is primarily the duty and responsibility of the husband to take care of his wife, who has left behind everything and everyone, with whom she had a very strong bond, familial and consanguine. In such circumstances, if the bride is not given what was least expected and should be fairly available then it is bound to break her heart.

2. Exchanging gifts between families of the bride and groom is not unusual and more or less present in every society across the world in one or the other form where gift may be given by the bride's family and there are instances where gift is given by the groom's family to the bride's family which may loosely be equated in the Indian context as dowry. However, what is happening in the Indian society with the brides is not only unheard, unexpected, totally weird and not only absurd but abhorring phenomena where for the sake of dowry, the brides are harassed, and even killed. This phenomenon is somewhat alien to other societies but rampant in Indian society. How detesting and abhorric it is to kill or drive someone to take her own life. It cannot be described in words but it is the sad and pathetic reality of this society and a collective shame. And that seems to be the reason why provisions dealing with these acts have been incorporated in criminal law. The Indian Penal Code, 1860 ('IPC') had nothing touching on this aspect till Section 498 (A) which was enacted and added in 1983through the Criminal

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Law (Second Amendment) Act 1983 and Section 304 (B) which was enacted and added in 1986 through the Dowry Prohibition (Amendment) Act, 1986 which not only amended the Dowry Act, but the Indian Penal Code, 1860 and the Evidence Act, 1872 in the shape of 113 A & 113 B in the year 1986.

3. There are instances where groom/groom's family has deliberately killed a bride, whereas instances are also there where the bride was driven to commit suicide. In both instances, the genesis was invariably in the dowry, dowry connected demands and related harassments. One can fairly imagine and visualise as to what could be the mindset of a young woman, who came to her matrimonial home with lot of expectations, happiness and dreams for a happy marital life, hoping to have kids etc. but then those dreams are dashed when the bride is harassed and pressurised to meet the demands of material things from her parents. At times it so happens that the family of the bride is not in a position to fulfill the demands and harassment of the young woman continues in her matrimonial home, which ends up either the bride is killed or she commits suicide or divorce takes place or the young woman suppress her emotions and continues to somehow survive amidst these harassments and cruel treatments, clinging to life for the sake of life, if she is a strong woman but if not, then the result is often in the shape of a young woman taking her own life.

4. Since the treatment given to the bride/young woman takes place in the four walls of the matrimonial home, therefore, it is very rare that what all is going on inside the house comes out, unless some sort of ruckus or hue and cry is created and things go out of hand or the bride/young woman involves her parents and conveys the desires of her husband and in-laws and also describes the treatment being meted out to her. So, in these circumstances,

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finding evidence about the treatment given to the young woman is not an easy task but still the law expects that the prosecution has a duty to prove the case beyond reasonable doubt, notwithstanding the provision of raising presumption, as contemplated under Section 113-A and B of the Indian Evidence Act, 1872.

5. Against the backdrop of the aforesaid, the case in hand is required to be examined where a young woman had set herself on fire. When this incident took place, she was probably alone at her matrimonial home, therefore, foul play in this act cannot be directly attributed to the groom or his family on the face of it.

6. The case unfolds with telephonic message which was, in fact, received in the Police Control Room on 17.10.2001 at about 10:00/11:00 AM from one Suraj Bhan (PW-11) that a woman was in crisis as he heard her shrieks from House No. C-26, Phase-II, Vijay Vihar, Delhi, while he was present at his school, opposite that house, from where those shrieks originated. The information was passed over to concerned quarters which brought in ASI Ranbir Singh (PW-8), having been posted at Police Post Vijay Vihar of Police Station Rohini, on the scene along with Constable Ishwar Singh (PW-9) qua DD No.19. When ASI Ranbir Singh, accompanied by Const. Ishwar Singh reached at the aforesaid house, he found a lady, whose name was revealed as Sonia, in burnt condition in a room on the first floor. The matter was brought to the notice of senior officers including the Sub Divisional Magistrate (SDM), Saraswati Vihar. The services of the crime team and photographer were also roped in. The scene of incident was examined, where a plastic can of the capacity of 5 litres, one plastic bottle of kerosene oil was found lying together with certain burnt cloth pieces. A match box was lying on the bed, whereas the body was at a distance of about

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2 ft. from the bed. The aforesaid articles i.e. plastic can, plastic bottle, burnt pieces of cloth, match box having some unburnt match stick were seized through Memo Ex. PW-8/A and sealed separately. The dead body was shifted to Sanjay Gandhi Memorial Hospital.

7. The scene of the incident was preserved in terms of the directions of SDM Kartar Singh, who reached and inspected the spot on 18.10.2001. He carried out the requisite proceedings under Section 176 Cr.P.C. The postmortem examination on the dead body was carried out and thereafter, on the directions of the SDM, a case was registered under Section 498-A/304-B IPC, based upon the statements of parents of the deceased i.e. father Nepal Singh (PW-3) and mother Rajwati (PW-4).

8. SI Gulab Singh, who was entrusted with the further investigation of the case, after the needful, filed a chargesheet under Section 498A/304B/34 IPC against the husband, mother-in-law, father-in-law and brother-in-law of the deceased, who all were arrested.

9. Based upon the contents of the chargesheet and the allegations, all four of them i.e. Chhotey Lal, Seema Devi, Jai Dev and Veeru were charged under Section 498A/34 IPC and 304-B/34 IPC, to which they pleaded not guilty.

10. Prosecution examined 15 witnesses in order to bring home the case against the Accused persons who were ultimately convicted and sentenced under Section 498A/304B read with 34 IPC as detailed below, inasmuch the learned Trial Court did not accept the explanations and the contentions of the Accused persons rather found the prosecution case worthy of reliance.

Name of accused persons	Sentence Awarded

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Chhotey Lal Smt. Seema Devi Veeru and Jai Dev	Rigorous Imprisonment ('RI') for three years each and a fine of Rs. 500/- each, in default of payment of fine, SI for one month each for the offence under Section 498A IPC. Rigorous Imprisonment ('RI') for seven years each for the offence under Section 304-B IPC.

11. Two separate appeals i.e. CRL.A. 532/2004 & CRL.A. 824/2004 have been preferred by the convicts/Appellants i.e. Chhotey Lal and Jai Dev, who are the Appellants in the former appeal bearing CRL.A. 532/2004, whereas Appellant Veeru assailed the judgment through the latter appeal bearing CRL.A. 824/2004, both of which are taken up together being outcome of the same impugned Judgment dated 28.01.2004 and Order on Sentence dated 30.01.2004. Seema Devi, the mother of Jai Dev, has since expired and only the three Appellants are now contesting.

12. While assailing the verdict of the learned Trial Court, it is asserted on behalf of the Appellants that there is no cogent evidence to show that there was any matrimonial discord between the deceased and her husband or that any of the family members/Appellants had, at any point of time, harassed or tortured the deceased in any manner at any point of time, for anything, leave alone in connection with dowry or any dowry related issue.

13. It is asserted that the witnesses have admitted to this fact that the first 18 months of the marriage out of 02 years, the duration till marriage of the victim survived, were pleasant and that there was no complaint at all of any kind from any quarter from anyone. It is only in the last six months, problems allegedly cropped up. The witnesses have deposed about the dowry related harassment, where the Appellants were allegedly demanding a motorcycle, gas chullah, cylinder, water motor and cash of Rs. 25,000/-. It is

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asserted on behalf of the Appellants that it is highly unlikely that something relating to dowry would crop up for the first time after 1½ years of the marriage. There was not even a whisper of any sort of dowry demand prior to that. No demand before, at or after the marriage was ever there, so there was no occasion or reason to raise any dowry demand after 1½ years of marriage.

14. It is submitted that in the Indian society, dowry is negotiated, if at all it is to be there, before the marriage or at the most at the time of marriage and extremely rarely after the marriage. In any case, if it is after marriage, then the demands would have been there almost immediately after the marriage either with regard to any fresh Articles, or defects or poor quality of the articles given, or similar other sort of things. It is highly unlikely and unheard that the expectation or demand of dowry would surface after a lapse of 1½ years of peaceful and happy married life. In view of these facts, it is asserted on behalf of the Appellants that it was nothing but an afterthought on the part of the family of the deceased to extort money from the Appellants.

15. Learned counsel for the Appellants has further contended that death indeed took place in unnatural circumstances within 07 years of marriage but then other requirements of Section 304-B IPC could not be established beyond reasonable doubt, therefore, the impugned judgment cannot be sustained and the presumption u/s 113B Evidence Act can't be invoked.

16. To elaborate the contentions, it is submitted that demand in the first place was not there and there was no occasion with the Appellants to raise such demand that too after 1½ years of the marriage. It is emphasized that the Gas chullah was already there with the Appellants so there was no occasion with them to demand it. Similarly, the water motor was also not

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required inasmuch as the Appellants have hand pump right in front of their home and electricity connection was also there. In such circumstances, no such demand could be there.

17. To top it all, it is contended that there is no evidence of any kind of cruelty with which the victim was subjected to. According to learned counsel, the testimony of the witnesses is not elaborative rather confined to the word cruelty and harassment without there being any instance of the so-called harassment or cruelty nor has it been deposed as to what was done by the Appellants which according to the parents of the deceased amounted to harassment, even if it is presumed that some demands were made. It is urged that the demands should have a direct nexus and connection with the harassment and if it is not there then requisite ingredients of Section 304-B IPC cannot be treated to be there. In the absence of any harassment or cruelty there is no question of having it "Soon Before" or at any time. With this the Appellant sought that they should be acquitted of the charges.

18. Learned APP, on the other hand, while defending the Impugned Judgment asserted that the record is clear and categorical that the Appellants used to not only demand Gas chullah, motorcycle, a water motor and 25,000/- rupees but used to harass the deceased also. The statements of PW-3 and PW-4 are very specific, clear, categorical and contain the allegations amounting to harassment to the deceased to the extent that she lived with her parents for months together. Her husband, Appellant Jaidev came with some elders/persons and took her back home on the assurance that deceased would be kept safely and happily after his earlier attempt to bring his wife (deceased) back proved futile.

19. It is the case of the prosecution that the essential ingredients of Section 304-B IPC, as was reflected earlier, stand established prima facie

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inasmuch as death of the woman was under unnatural circumstances, took place within 07 years of marriage and as per the testimony of her parents she was harassed by the Appellants that too for articles and money, which can be termed as a dowry demand and that such demands were raised in the last 06 months of her life after 1½ years of trouble free marriage. According to the prosecution, it can thus be bracketed as "Soon Before" her death inasmuch as the demand was not isolated rather some kind of constant demands were made. This, it is urged, gives rise to the presumption under Section 113-B of the Indian Evidence Act and the onus thus, shifts on the Appellants. The learned Trial Court, after considering the evidence, accepted this case and held the Appellants guilty through the impugned judgment. With these submissions, the learned APP concluded his arguments.

20. The contention raised on behalf of the Appellants is correct to some extent that if the issue of dowry is there, it is invariably discussed, demanded and negotiated prior to marriage at the initial stages and if it is found acceptable to both sides, they proceed to tie the nuptial bonds. In case any of the party is not comfortable with any of the demand, expectation or any of these aspects, then in that eventuality, the parties do not proceed to formalise the relationship. At times, it has been seen that despite negotiations and settlement, certain demands crop up at the time of marriage and very rarely after marriage and it normally happens when the expectations or the negotiated articles/money was not given or that the quality was compromised. The only foreseeable exception is that a highly greedy person who may try to squeeze out as much as one can from such a relationship and raise a demand after the marriage. In some cases, harassment also starts with the demand of dowry and at times, it takes a very ugly shape where

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matrimonial discord results into litigation. Unfortunate and sad reality of the Indian society is that in such cases, like the instant one, the bride, one of the purportedly equal parties to the marriage i.e. the female partner, is invariably at the receiving end and at times loses her life, either by her own volition or by the act of her in-laws/husband.

21. One thing which stands out in the instant case is that there is no reference of any dowry prior to or at the time of marriage and for that matter, immediately after the marriage. It all started after 1½ years when, for the first time, the demand for dowry and dowry related harassment surfaced. There is no cogent explanation as to how it is possible to raise such demands at such a belated stage. Even if, it is presumed that something prompted the Appellants to expect something, the articles referred above i.e. motorcycle, gas chullah, water motor and cash of Rs. 25,000/-, even then the aspect of torture and harassment should accompany such demand.

22. Incidentally, the gas chullah was already there with the Appellants as has come in the testimony of the father of the deceased, namely, Nepal Singh (PW-3). In such circumstances, where was the need and occasion to demand gas chullah. No answer is forthcoming in this context, leaving the field open to all kind of permutations and combinations, conjectures and surmises.

23. Another distinct feature, which stands out is the fact that at the relevant time, none of the accused persons were at home as may be inferred from the testimony of Suraj Bhan (PW-11). Further, accused Jai Dev stated in his statement under Section 313 Cr.P.C. that his mother i.e. mother-in-law of the deceased had gone to Ration Office in connection with the Ration Card and all the others were at their respective jobs. Thus, none of the

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Appellants was present at the time of the incident which took place in a room on the first floor.

24. However, it has not come on record that the room in which the incident took place, was bolted from inside, but photograph Ex. PW14/A reflects a hammer lying outside the entrance of main room, which is indicative of the possibility of the home being locked. This clearly indicates, when read in conjunction with the testimony on record and the seizures made from the spot that it was a case of suicide. None of the Appellants had any apparent or evident direct role to play so far as incident of burning is concerned. It is not reflected on record that the room in which incident took place was used as kitchen also, so there was no possibility of any sort of accident taking place. The match-stick on the bed, certain burnt clothes, a bottle having smell of kerosene oil lying empty and another container of 5 litre were found at the spot, all of which are indicative of the fact that it was a case of suicide. This rules out any direct involvement of any of the Appellants in causing death of Smt. Sonia.

25. The possibility of an accidental fire having also been ruled out, the question that arises is what was the role of the Appellants? Whether they created such a situation which drove the deceased to take such a drastic step or that it was some other reason in which the Appellants had no contribution. This riddle is required to be solved and penetrated through in order to ascertain the factual position so as to arrive at any conclusion. Here comes the role of the witnesses as that is the only way to find out and ascertain the factual and correct position, as far as possible.

26. Testimony of the parents of the deceased can be referred at this stage. Both of them have stated in unison that the first 1½ years of marriage were trouble free, however, in the last 06 months the deceased was harassed and

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dowry demands were made as aforesaid. No answer is forthcoming as to why after living a peaceful life for 1½ years suddenly something happened which persuaded the Appellants to raise such demands. It is slightly unusual that after the marriage, demands within the definition of dowry would be raised inasmuch as dowry is negotiated and finalized before marriage. Invariably most of the times things get resolved beforehand and then only the marriage takes places as noted earlier also. It is extremely rare that post marriage, dowry issues would be taking center stage so much so that constant harassment would be accompanied by the demands or on refusal or non-compliance of demands, the deceased would be treated with cruelty. In the instant case the parents of the deceased have deposed that the last 06 months of the life of their daughter were full of harassment having a direct connection with demands made by the Appellants in the shape of motorcycle, water motor, Gas chullah and a sum of Rs.25,000/-.

27. PW-3 and PW-4, namely, Nepal Singh and Smt. Rajwati have further testified that their deceased daughter was being harassed by all the four members of the family i.e. relatives of the husband including the husband. However, it is highly unlikely that all the four individuals would raise same demand of articles. It may be a case that the husband, in the confines of their room, in privacy, may, have discussed, expected or demanded something or for that matter, the mother-in-law may have expressed her expectations and the brother-in-law and father-in-law may have also joined or pointed out, but then having all four of them demanding something in unison and harassing the deceased, does not seems to be plausible.

28. Thus, certain things stand out distinctly in the instant case, the first being fact that the first 18 months of marriage were trouble free without any complaint from any quarter of any nature. There is no reference of any

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dowry demand before or at the time of marriage. According to the witnesses the trouble started only in the last 06 months of the 24 months of marriage where certain demands were made by the Appellants, including a Gas chullah, Water Motor and a sum of Rs.25,000/- and possibly a motorcycle also. With these demands, the witnesses have deposed that the deceased was harassed by the Appellants but then what sort of harassment on account of these demands, has not been clarified at all.\

29. In order to appreciate the arguments, Section 304-B IPC is reproduced herein-below:-

> *(1). Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.*
> *Explanation.— For the purpose of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).*
> *(2).Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.*

30. The prosecution has to thus, establish the following facts in order to succeed in a case under Section 304-B IPC, as was observed in the case titled as ***Major Singh v. State of Punjab,*** (2015) 5 SCC 201:-

> *"10. To sustain the conviction under Section 304-B IPC, the following essential ingredients are to be established:*
>
> *(i) the death of a woman should be caused by burns or bodily injury or otherwise than under a "normal circumstance";*
>
> *(ii) such a death should have occurred within seven years of her marriage;*

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(iii) she must have been subjected to cruelty or harassment by her husband or any relative of her husband;

(iv) such cruelty or harassment should be for or in connection with d demand of dowry; and

(v)such cruelty or harassment is shown to have been meted out to the woman soon before her death."

31. Out of the five points two ingredients are very apparent i.e. No.1 and 2. Here in the instant case the victim Sonia died by burns not under a normal circumstance and that the death occurred within 07 years of the marriage. However, the remaining three ingredients are also required to be satisfied by the prosecution in order to sustain the conviction.

32. It makes imperative to ascertain as to what kind of cruelty or harassment she faced soon before her death and that too in connection with demand of dowry. Soon before the death has been interpreted by various Courts and the crux is that “Soon Before” does not mean immediately before death rather it is a flexible term and the facts of each case would decide as to what exactly is “Soon Before”. However, it has to be established that there was a connection between dowry demand and harassment which may be considered as a proximate and live link with the death.

33. Similarly, harassment and cruelty also vary from case to case and person to person but may broadly include physical, verbal, emotional or mental harassment, or a combination of all, or some of these, but still no straightjacket formula can be there as to what exactly cruelty or harassment is, and so is the case with the phrase “Soon Before”.

34. The person, personality, circumstances, socio-economic and educational background, individual traits of the personality and a combination of all these, or some of these, in a given set of facts and

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circumstances shape up the matrimonial life. Perceptions, upbringing and societal norms also have a role to play in this context. An utterance may be ignored by a person but another person may take it to his or her heart depending upon the degree of sensitivity one has. There are persons who are either introvert or extrovert. Extrovert people are capable to ward off even serious issues, whereas introvert stake time to heal even trivial things and the outcome may vary for them.

35. So, cruelty and harassment have no definition except what has been defined in Section 498A IPC, but these are relative and subjective terms which varies from person to person, society to society and the circumstances in which one is placed. Nevertheless, presumption under Section113-B, Evidence Act can certainly be raised where certain circumstances exist as the case may be. Like all presumptions, these too are rebuttable, but the onus shifts on the accused persons against whom such a presumption has been raised. In ***Bansi Lal vs. State of Haryana***, (2011) 11 SCC 359, the Hon'ble Apex Court emphasized the mandatory application of presumption under Section 113-B of the Evidence Act which comes into play once the ingredients of Section 304-B IPC stood established to the extent of cruelty soon before death. It has been observed in the following words:

> *"19. It may be mentioned herein that the legislature in its wisdom has used the word "shall" thus, making a mandatory application on the part of the court to presume that death had been committed by the person who had subjected her to cruelty or harassment in connection with any demand of dowry.... Therefore, in view of the above, onus lies on the accused to rebut the presumption and in case of Section 113-B relatable to Section 304-B IPC, the onus to prove shifts exclusively and heavily on the accused.*
> *20. Therefore, in case the essential ingredients of such death have been established by the prosecution, it is the duty of the court to raise a presumption that the accused has caused the dowry death."*

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36. The aspect of cruelty/harassment has been dealt with vis-a-vis Section 304B IPC and 498A IPC in order to assess as to what exactly cruelty means. In ***Kamesh Panjiyar v. State of Bihar***, (2005) 2 SCC 388, it has been observed as follows:

> *"...Sections 304-B and 498-A IPC cannot be held to be mutually inclusive. These provisions deal with two distinct offences. It is true that cruelty is a common essential to both the sections and that has to be proved. The Explanation to Section 498-A gives the meaning of "cruelty". In Section 304-B there is no such explanation about the meaning of* ***"cruelty"****. But having regard to the common background to these offences it has to be taken that the meaning of* ***"cruelty"*** *or* ***"harassment"*** *is the same as prescribed in the Explanation to Section 498-A under which* ***"cruelty"*** *by itself amounts to an offence. Under Section 304-B it is* ***"dowry death"*** *that is punishable and such death should have occurred within seven years of marriage. No such period is mentioned in Section 498-A. If the case is established, there can be a conviction under both the sections."*

For the purpose of convenience and reference the explanation to Section 498A is reproduced hereunder:

> *"Explanation. - For the purpose of this section, "cruelty" means: -*
>
> *(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or*
>
> *(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."*

37. Every harassment does not amount to cruelty within the meaning of Section 498-A IPC. The harassment becomes cruelty only when it is done or committed for the purpose of coercing a woman or any other person related to her to meet any unlawful demand for property, etc., as was observed in ***State of A.P. v. M. Madhusudhan Rao***, (2008) 15 SCC 582.

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38. Cruelty again can either be mental or physical and there is no straightjacket formula to define cruelty as it varies from person to person, situation to situation and circumstances to circumstances including the social and economic status of persons concerned. Reference in this context can be made to ***G.V. Siddaramesh v. State of Karnataka***, (2010) 3 SCC 152 and ***Gananath Pattnaik v. State of Orissa***, (2002) 2 SCC 619.

39. It is, therefore, evident that the cruelty or harassment should have some sort of details in order to assess as to whether the particular act complained of can be treated as some sort of harassment or amounting to cruelty. Merely saying that so and so was harassed by so and so, could not be sufficient, especially when the harassment or cruelty could be physical, mental and for that matter even psychological. Therefore, unless some details are available, it would not be possible to ascertain and conclude any such behaviour.

40. Reflecting on this issue, in ***State of Maharashtra v. Basveshwar Kallappa Patne and Others***, 2020 SCC OnLine Bom 219, following observations were made:

> *"24. If the evidence of all the aforesaid witnesses is considered in its entirety, it suffers from non-disclosure of specific details of alleged cruelty and harassment to Ambavva (deceased) at the hands of the accused. Therefore, their evidence is of no use to the prosecution. Mere allegations of harassment and cruelty, in absence of mentioning specific time, date and specific overtact qua accused would not attract an ingredients of Section 304B of IPC. The prosecution ought to have led evidence to suggest that within the proximate time and date of the alleged incident, there were positive acts on the part of the accused of giving an ill-treatment and harassment to the victim, which ultimately resulted into death of victim. The prosecution has failed to establish that there was cruelty and harassment to Ambavva (deceased) by the accused soon before her death.*
> *25. Even to attract the ingredient of Section 498A of the IPC, the prosecution must show specific acts of the accused suggesting cruelty and harassment. There are general allegations made by the witnesses, and on the basis of such vague and general allegations, it is not*

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possible to base the conviction of the accused thereby reversing the well reasoned order of acquittal passed by the Trial Court."

41. In the instant case, it has been deposed by all concerned that out of the two years of marital life, there was no problem of any sort between the couple and amongst the family members from both sides but in the last six months, when situations got complicated, complaints of harassment and dowry demand cropped up. The witnesses have though specified as to what was demanded in the shape of dowry i.e. a motorcycle, gas chullah, water motor together with a sum of Rs. 25,000/-, but then the most crucial aspect, namely, the kind of cruelty or harassment she was facing on account of these demands has not been mentioned by any of the witnesses. The testimony of the parents of the deceased simply talks about harassment where they say that the deceased was harassed by the Appellants in connection with these demands. The parents of the deceased have stated that all four of them used to demand the aforesaid articles and harassed the deceased. On the face of it, this appears to be a bit unusual nevertheless even if this is believed that some sort of act was there on the part of the Appellants, still the aspect of cruelty on account of these demands remains surrounded in some sort of mysterious smoke and it is not shown as to what kind of harassment mental or physical or psychological, all were there or not. Therefore, it is not possible either to ascertain or to conclude that the deceased was subjected to cruelty that too being in connection with the aforesaid dowry demand. As discussed earlier, it is highly unlikely that in a dowry-less marriage where no demand was there prior to marriage when it was being finalized, or at the time of marriage and for that matter, for about 18 months, after the marriage, suddenly such demands would crop up. There has to be some reason, some explanation in this context. This, however, has to be connected and confined

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to the cruelty or harassment alleged in connection with the demand of dowry.

42. The evidence on record fails to indicate not only the vital components of the offence but same being attributable to all the Appellants. What the evidence does point to is a matrimonial discord between the husband and wife. This can be inferred from the fact that the father of the deceased has deposed that the deceased was staying with her parents on account of matrimonial tension between the deceased and her husband. The husband once visited the place of his parent's in-laws in order to take back his wife/deceased but was not successful. However, in the second attempt he succeeded, when he came along with some elders and promised the father of the deceased and also the deceased, to take care of the deceased and not to trouble her or harass her. This piece of evidence stands and stares against the husband of the deceased but not against all the Appellants. Even otherwise, it is primarily the responsibility of the husband to take care of his wife, who has left behind her parents and siblings only for one man i.e. her husband. Therefore, it is for the husband to take care of his wife in all possible manner. In case of any failure, which has resulted in a suicide, the husband cannot escape his responsibility, unless he is not in a position to show that it was on account of any contribution from his side, rather the deceased and her conduct, behaviour and circumstances are to be blamed and not the husband or his family. The relevant portion of the testimony of PW-3 is reproduced as under:

> *"The accused persons used to demand Gas Chullah and motor-cycle from me and as well as from my daughter. But I was unable to fulfill this demand of the accused persons as my financial position was week. After six months my daughter Sonia came to my house. Accused Jaidev her husband had come to my house to take Sonia with him. Jaidev again demanded motor-cycle from me. Again said he did not*

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demand anything and assured me that he would keep Sonia well in his house. Then I sent Sonia with Jaidev. After about one and half month Jaidev had come to my house with 2-3 public persons. On their assurance Sonia was sent with Jaidev. Again said Sonia was not sent on the earlier occasion with Jaidev."

43. The parents of the deceased have attributed the demands and the harassment to all the family members of the Accused, whereas the evidence relating to the matrimonial discord and the assurance given to the father of the deceased points towards the husband alone. The question that, therefore, falls for determination is whether the three Appellants stand on the same footing or whether a distinction is required to be drawn among them having regard to the specificity or want of it in the allegations leveled against them.

44. A meticulous scrutiny of the entire evidence on record reveals a clear line of distinction between the nature of accusations against the father-in-law (Chhotey Lal) and brother-in-law (Veeru) on the one hand and the husband (Jai Dev) on the other.

45. So far as Appellants Chhotey Lal and Veeru are concerned, the allegations levelled by PW-3 Nepal Singh and PW-4 Smt. Rajwati are vague, general, omnibus and not supported by any specific overt act. Every specific incident deposed to, the visit to fetch the deceased, the refusal of her parents to send her, the return with public persons, the assurance given and later breached is attributable to Jai Dev alone. It is only in relation to dowry articles said to have been demanded that the deceased's parents have sought to implicate all the three Appellants.

46. It is a settled proposition that vague and sweeping allegations implicating all in-laws in a routine, generalized manner cannot form the basis of conviction. In ***Dara Lakshmi Narayana v. State of Telangana,*** 2024 SCC OnLine SC 3682, the Hon'ble Supreme Court held that *"a mere*

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reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud." In ***Geddam Jhansi v. State of Telangana,***2025 SCC OnLine SC 263, the Supreme court observed at Para 32:

> ***"****We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality."*

47. Tested on that touchstone, the distinction drawn between the Appellants is examined and qua Appellants Chhotey Lal and Veeru, the infirmity is one of substance. No act or conduct in connection with the demand for dowry whatsoever is attributed to either of them individually. The case against them rests only on the general assertion of the parents of the deceased that all the members of the family demanded the articles and harassed her, whereas every specific incident spoken of by the witnesses relates to Jai Dev alone. Such general and omnibus allegations do not establish that either of them subjected the deceased to cruelty or harassment, whether in connection with a demand for dowry or otherwise, nor does the material on record attribute to them any role in the circumstances which led to her death. The prosecution has, therefore, failed to prove the charges under Section 498-A and Section 304-B read with Section 34 IPC against Appellants Chhotey Lal and Veeru beyond reasonable doubt and they are entitled to be acquitted of the said charges.

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48. The case of Appellant Jai Dev, however, stands on a different footing. The testimony of PW-3 and PW-4 establishes a sequence of facts that implicate him personally. The deceased left her matrimonial home and lived with her parents for months on account of discord with Jai Dev. On his first visit alone to fetch her, her parents declined to send her back and about one and a half months later, Jai Dev returned *"with 2-3 public persons"* and gave a personal assurance that he would keep her well and not harass her in future, on the strength of which she was sent back. PW-3 deposed that during his visits to the matrimonial home of the deceased in the initial 1½ years of age, the family never so much as *"offer me a glass of water"* which reflects a cold and unwelcoming domestic atmosphere. Barely one and a half months after her return on the strength of Jai Dev's assurance, the deceased set herself on fire.

49. While narrating this very visit, PW-3 corrected himself in examination-in-chief to clarify that Jai Dev *"did not demand anything and assured me that he would keep Sonia well in his house"* thereby disproving a specific demand of dowry on that occasion. What stands out against Jai Dev, therefore, is not a proximate demand of dowry but the breach of a solemn personal assurance coupled with continuing matrimonial discord.

50. Section 304-B IPC requires that the cruelty or harassment be shown to be *"for, or in connection with"* a demand for dowry, and that it be meted out *"soon before"* death, establishing a proximate and live link. Given PW-3's admissions that the gas chullah, hand pump and electric connection already existed at the matrimonial home prior to the marriage, that no dowry was demanded for a year and a half of trouble-free married life and that on the very occasion said to be closest in time to the death, PW-3 himself corrected the record to show that no demand was made, the evidence, at its highest

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establishes matrimonial discord and a broken personal assurance but does not establish, beyond reasonable doubt, cruelty or harassment in connection with a dowry demand soon before death. The essential ingredients of Section 304-B IPC not being satisfied, the presumption under Section 113-B of the Evidence Act cannot come to the rescue of the prosecution case, and the conviction of Appellant Jai Dev under Section 304-B IPC cannot be sustained.

51. Section 498-A IPC, however, stands on a wider footing. Explanation (a) thereto defines cruelty as any willful conduct of such a nature as is likely to drive the woman to commit suicide, without requiring that it be connected to a dowry demand. In ***Aluri Venkata Ramana v. Aluri Thirupathi Rao,*** 2024 SCC OnLine SC 5473**,** the court held that *"the absence of a dowry-related demand does not preclude the application of the section in cases where there is mental or physical harassment unrelated to dowry."*Further, in ***Yogesh Kumar & Ors v. State (N.C.T of Delhi)*** 2025 SCC OnLine Del 9194 the court observed:

> *"50. The position under Section 498A IPC is, in one sense, broader. The provision is concerned with 'cruelty', which, under Explanation (a), includes any wilful conduct of such a nature as is likely to drive the woman to commit suicide or to cause grave injury to her life, limb or health. It does not insist that the cruelty be exclusively dowry-related, although economic pressure and dowry-linked taunts may form an important part of its content."*

52. It is in light of this settled position that the conduct of Appellant Jai Dev falls to be examined. The persistent matrimonial discord within the last six months, the cold and unwelcoming atmosphere and the breach within about one and a half months of the solemn personal assurance given before the public persons to keep the deceased well constitute willful conduct falling within Explanation (a) to Section 498-A IPC. The prosecution has,

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therefore, established the charge under Section 498-A IPC against Appellant Jai Dev beyond reasonable doubt.

53. One question, however, remains and cannot be left unanswered, namely, what led a young woman to pour kerosene upon herself and set herself on fire within two years of her marriage. The answer so far as the material permits of one lies in the position in which she was placed. Her parents were illiterate daily-wage earners, her father earning about Rs.100/150 a day by ironing clothes as he himself admitted in cross-examination and their want of means was known to her. It is borne out from record that PW-3 Nepal Singh in order to meet the wedding expenditure of about One & a half Lakhs sold his ancestral land for Rs. 40,000/- to his relative, an amount which for a person of his admittedly modest means is no small sacrifice. She had once already left the matrimonial home and returned to them and had been sent back not upon any improvement in her circumstances but upon the personal assurance of her husband given before 2-3 public persons. With that undertaking breached and the atmosphere in the matrimonial home continuing to be cold and unwelcoming to the extent that her father was not offered even a glass of water when he came to visit her, she was left with neither of the two courses ordinarily open to a woman in distress. She could not return to her parents without undoing what had been settled before the elders and adding to the difficulties of an indigent household, nor could she remain where she was with any expectation of relief. Persons differ in their capacity to speak of their suffering and it is not unknown that a daughter conscious of the straitened circumstances of her parents chooses to suppress her suffering rather than add to their burden. The record in the present case is consistent with such suppression and it

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furnishes the reason, howsoever tragic, for the step that was ultimately taken.

54. The explanation offered by the Appellants in their statements under Section 313 Cr.P.C., namely, that the deceased was 'ziddi' or sentimental by nature and had taken her own life in their absence does not withstand scrutiny. Stubbornness of temperament or a quarrel over the affairs of household does not ordinarily bring a young married woman to burn herself to death. Such a step presupposes a state of mind brought about by something graver and on the evidence discussed above, that state of mind is traceable to the persistent discord and the breach of solemn assurance given by Appellant Jai Dev. The defence version is, accordingly, not accepted.

55. Therefore, the circumstances clearly reflect that the deceased was driven to end her life and the Appellant Jai Dev can't escape the responsibility in creating these circumstances in which the deceased was placed. The assurance extended by Appellant Jai Dev could not seemingly be honoured by him. It is, thus, clearly inferable that the circumstances and conduct of the Appellant Jai Dev is to be held responsible for the suicide committed by the deceased.

56. Jai Dev was charged under Section 498-A and Section 304-B IPC and not under Section 306 IPC. That, however, does not stand in the way of his conviction for abetment of suicide. In ***Paranagouda v. State of Karnataka,*** (2024) 18 SCC 793, the Supreme Court, after setting aside the conviction under Section 304-B IPC for want of a proximate link between the demand of dowry and the death, convicted the accused under Section 306 IPC although no charge had been framed under that provision. Following ***Dalbir Singh v. State of U.P.,*** (2004) 5 SCC 334 and ***K. Prema S. Rao v. Yadla Srinivasa Rao,*** (2003) 1 SCC 217, the Court held that omission to frame a

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charge does not disable the court from convicting the accused for the offence which is found to have been proved on the evidence on record and that, in view of Section 464 Cr.P.C., the only question is whether a failure of justice has been occasioned. That depends upon whether the accused was aware of the basic ingredients of the offence, whether the main facts sought to be established against him were explained to him and whether he had a fair chance to defend himself. It was further held that the same facts which justify a conviction under Section 498-A IPC for cruelty make out a case under Section 306 IPC and that the presumption under Section 113-A of the Evidence Act can be raised on those very facts. Tested on that touchstone, no prejudice is caused to Jai Dev. He faced trial for the graver offence of dowry death, which carries a minimum sentence of seven years, on the allegation that he subjected the deceased to cruelty which led to her death by self-immolation. The facts on which this Court has found him guilty of cruelty, namely, the discord which kept the deceased at her parents' house for months, the assurance given before the public persons on the strength of which she was sent back and its breach within about one and a half months, came from PW-3 and PW-4 and were open to him to meet in their cross-examination. He did meet that case, for in his statement under Section 313 Cr.P.C. he attributed the suicide to the deceased being *'ziddi'* or sentimental by nature. The deceased took her life within about two years of the marriage and the cruelty of the husband under Explanation (a) to Section 498-A IPC stands established. The presumption under Section 113-A of the Evidence Act thus arises against him and the only explanation offered in rebuttal is untenable. The conviction of Jai Dev under Section 306 IPC can, therefore, be recorded notwithstanding the absence of a specific charge and it does not occasion any failure of justice.

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57. Accordingly, the conviction of Appellant Jai Dev under Section 304B IPC is converted into one under Section 306 IPC together with Section498A. As a result, the Appellants Chhotey Lal in respect of Cr. Appeal No 532/2004 and the Appellant Veeru in respect of Cr. Appeal No 824/2004 stand acquitted of all charges.

58. Appellant Jai Dev is held guilty under Section 498A and Sec 306 IPC and conviction accordingly stands modified wherein the conviction under Section 498A IPC is maintained.

59. In view of this development, the sentence awarded is required to be revisited. Sentence under Section 498A IPC is maintained as was awarded by the learned Trial Court and the sentence under Section 304B is modified to Section 306 IPC, and the Appellant Jai Dev is sentenced under Section 306 IPC to the period of imprisonment already undergone by him.

60. Copy of this judgment be sent to the learned Trial Court along with the Trial Court record.

VIMAL KUMAR YADAV, J

NOVEMBER 18, 2026/*vs*

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