

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Reserved on 02.04.2025
Pronounced on 16.04.2025

CRM(M) No. 336/2021
c/w
CRM(M) No. 109/2022

Ranjit Kour and another

.....Appellant(s)/Petitioner(s)

Through: Mr. Amandeep Singh, Adv.

vs

U. T. of J&K and others

..... Respondent(s)

Through: Mr. P. D. Singh, Dy.AG for Nos. 1 to 3
Mr. M. A. Bhat, Adv. for No. 4

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1. Through the medium of present judgment, the afore-titled two petitions challenging FIR No. 18 dated 20.05.2021 for offences under sections 498 A/109 IPC registered with Women Cell, Gandhi Nagar, Jammu are being disposed of. CRM(M) No. 336/2021 has been filed by the petitioners, namely, Ranjit Kour and Paramjit Singh, who happen to be the parents-in-law of complainant-Amandeep Kour (respondent No. 4 herein) whereas CRM(M) No. 109/2022 has been filed by Mr. Simratpal Singh Soodan, who happens to be the husband of the complainant(respondent No. 4 herein).
2. As per impugned FIR, respondent No. 4 lodged a written report with Incharge Police Station, Women Cell, Jammu on 20.05.2021. In the said

report, it was alleged that she had entered into a wedlock with petitioner, Simratpal Singh Soodan on 08.04.2021 at Jammu. At the time of the marriage, there was no exchange of dowry items, as a decision in this regard had been taken by the two families. It has been further submitted in the application that initially for a few weeks, the relationship between the complainant and her husband remained normal, however, thereafter petitioner-Simratpal Singh Soodan started harassing the complainant mentally and physically. When the husband left for Canada, the complainant called her on phone but he used unparliamentary language against her and told her that he has left her as a servant for his parents. It is alleged that the complainant (respondent No. 4 herein) hoped for the things to normalize upon return of her husband from Canada but in the absence of her husband, her parents-in-law, petitioners, Ranjit Kour and Paramjit Singh threatened to eliminate her, if she dared to narrate these incidents to her parents. On 29.04.2021, the parents-in-law of the complainant left her at Jammu with her luggage in front of the gate of her parental house and threatened of dire consequences, if she discloses anything to her father and brother. The complainant is stated to have narrated these incidents to her parents, who tried to contact her parents-in-law on phone but without any success.

3. The complainant further alleged in her application that even her husband before proceeding to Canada had given merciless beatings to her with a wooden rod and threatened to eliminate her if she would narrate anything to her parents. It has been alleged that the parents-in-law of the

complainant always threatened her that they would eliminate her, in case she dared to lodge any report against them. It has been further alleged that though at the time of the marriage, no dowry was exchanged, but later on the petitioners started torturing the complainant in connection with demands of dowry and cash. She was being taunted that she had no money in her account to which she would respond that her parents had spent all their money on her studies.

4. This Court, while entertaining the petitions permitted investigation of the impugned FIR to go on, however, it was directed that the official respondents shall not present the challan without the permission of this Court. During the pendency of these petitions, the official respondents have undertaken investigation of the case and they have produced the Case Diary for perusal of the Court.
5. The petitioners have challenged the impugned FIR on the grounds that the same is motivated and has been lodged only to harass and humiliate the petitioners. It has been further contended that the allegations made in the FIR do not disclose commission of any offence against the petitioners. It is being contended that the allegations levelled in the impugned FIR do not come within the definition of cruelty as contained in 498-A IPC. It is also being contended that the allegations made in the impugned FIR are general in nature without any details.
6. The official respondents in their reply to the petitions have narrated the contents of the impugned FIR and have filed the status report with regard to the investigation of the case. It has been submitted that during

investigation of the case, the statements of the victim and other witnesses under section 161 CrPC were recorded, whereafter, under section 498-A IPC has been found established against the petitioner-Simratpal Singh Soodan, the husband of respondent No. 4, whereas offences under section 498/109 IPC have been found established against the petitioners, Ranjit Kour and Paramjeet Singh, parents-in-law of respondent No. 4. It has been submitted that the petitioners, Ranjit Kour and Paramjit Singh have been admitted to bail in terms of the orders of this Court, whereas petitioner, Simratpal Singh Soodan could not be arrested as he is presently working abroad in Canada.

7. Respondent No. 4(complainant) has also contested the petitions by filing her reply in which she has narrated allegations made in the impugned FIR, and has reiterated that she has been harassed and treated with cruelty by all the petitioners. She has further stated that her husband (petitioner-Simratpal Singh Soodan) has, within a few days of her marriage, left her behind and proceeded to Canada, which is itself constitutes a grave cruelty against the complainant.
8. I have heard learned counsel for the parties and perused the record including the Case Diary.
9. The main ground urged by the learned counsel for the petitioners for impugning the proceedings initiated at the instance of respondent No. 4 against them is that the allegations made in the impugned FIR as against the petitioners are vague in nature and that there are no specific details mentioned in the FIR. It has also been contended that it is nowhere stated

in the impugned FIR that conduct of the petitioners as against respondent No. 4 was of such a nature as would have driven her to commit suicide or to inflict grave injury and further there are no allegations in the impugned FIR with regard to the demands of dowry. Thus, offence under section 498-A IPC is not made against the petitioners. In this regard, the learned counsel has placed reliance upon the ratio laid down in the judgments of the Supreme Court in the case of **Shakson Belthissor v State of Kerala and another, (2009) 14 SCC 466**, and in the case of **Digambar and another v The State of Maharashtra and another, 2024 SCC Online SC 3836**.

10. So far as the first contention of the learned counsel is concerned, in this regard, it is to be noted that we are at a stage when not only we have before us the allegations made in the impugned FIR, but we have also before us the report of the investigation in the shape of Case Diary. Thus while considering the issue as to whether or not the allegations made against the petitioners are omnibus in nature and without any details, this Court has not only to look into the contents of the impugned FIR but it has also to analyse and examine the material collected by the Investigating Agency during investigation of the case.
11. It is true that in the impugned FIR, the allegations as regards the demands of dowry against the petitioners are omnibus in nature, but in the impugned FIR, it has been clearly alleged by the complainant that after a few days of the marriage, which took place on 08.04.2021, her husband started to physically and mentally torture her. It is further alleged that

when she called her husband on phone, while he had left for Canada, he used unparliamentary language against her and told her that her status is that of a servant to her parents. It is further alleged in the FIR that on 29.04.2021 complainant was thrown out of her matrimonial home by her parents-in-law and she was brought to her parental house along with her luggage where she was left in front of the gate of her parental house. Thus, dates and the incidents are clearly mentioned in the impugned FIR.

12. The statement of the complainant recorded under section 161 Cr.P.C. during investigation of the case, runs into more than seven pages. In the said statement, the complainant has clearly stated that on 12.04.2021 she was rebuked by her husband in front of her parents. She was dragged into the car and her father remained standing in a state of shock. She has further stated that her mother-in-law snatched her phone to prevent her from contacting her parents. She goes on to state that on 13.04.2021, her husband and father-in-law threatened her not to disclose anything to her parents. She states that on 18.04.2021 her husband left her for Canada and her health deteriorated but neither her husband nor her parents-in-law took care of her health. While leaving the country, petitioner-Simratpal Singh Soodan told his parents that he has left the complainant as a servant for them and she should not be allowed to go to Jammu and he instructed them to keep an eye upon her. She further states that after her husband left for Canada, her parents-in-law threatened to kill her and her mother-in-law used to taunt her about the beatings given to her by her husband. She has narrated that on 28.04.2021 when she had called servant

to her room for serving tea to her, her mother-in-law rebuked her and levelled allegation that she is having illicit relationship with the servant thereby, assassinating her character. On the same day, her father-in-law gave a beating to her and dragged her out of the room by pulling her hair. She has further stated that on 29.04.2021, her mother-in-law forcibly packed her bags and she was left at Jammu.

13. The aforesaid statement of the complainant gets support from the statements of the parents of the complainant recorded under section 161 Cr.P.C as also the statements of other independent witnesses recorded during the investigation of the case.
14. From the statement of the complainant, it is clear that she has given vivid details about the acts of cruelty inflicted by the petitioners upon her. She has mentioned the dates and the nature of actions which the petitioners are alleged to have indulged in while dealing with the complainant. Thus, by no stretch of reasoning, it can be stated that the allegations made against the petitioners are omnibus lacking in details. An FIR is not an encyclopaedia of the crime. It only gives a bird's eye view about the nature of crime which has taken place and it is only when an investigation is launched into the allegations made in the FIR that details with regard to the crime are unearthed. Merely because all the details are not mentioned in the impugned FIR, it cannot be stated that the allegations made against the petitioners are omnibus particularly when during investigation of the case, the exact details with regard to the alleged crime have surfaced.

15. The second contention of the petitioners is that, even if, the allegations made in the impugned FIR and the allegations made in the statements recorded by the Investigating Agency are taken to be correct at their face value, still then the ingredients of offence under section 498-A IPC are not made out. It has been contended that it is only, if the conduct on the part of the accused amounts to cruelty of such a nature as is likely to cause the complainant to commit suicide or to cause any injury to her life that ingredients of offence under section 498-A IPC are made out. Reliance has been placed upon the ratio laid down by the Supreme Court in the cases of **Shakson Belthissor's case (supra)** and **Digambar's case(supra)**.
16. In order to test the merits of the contentions raised by learned counsel for the petitioners, it would be apt to notice the provisions contained in section 498-A IPC, which reads as under:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, "cruelty" means—

(a) any willful 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.”

17. From a perusal of the aforesaid provision, it is clear that cruelty as contemplated under Section 498A IPC would be a conduct 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 or there should be harassment of the woman with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security. So far as present case is concerned, there is no specific allegation on the part of the complainant in her statement recorded during investigation of the case or even in the impugned FIR with regard to her harassment in connection with demands of dowry. So clause (b) of the Explanation to Section 498A IPC is not attracted to the present case.
18. The contention of the petitioners is that even clause (a) of the Explanation to Section 498-A IPC, is not attracted to the present case, because the complainant has not been driven either to commit suicide or to cause grave injury to herself. The interpretation sought to be given by learned counsel for the petitioners to clause (a) of the Explanation to Section 498-A IPC, is not tenable. This is so because as per clause (a) of the Explanation not only the conduct that may drive a woman to commit suicide or to cause grave injury to herself would amount to cruelty but even a conduct which causes grave injury to the woman or cause a danger to life, limb or health, whether mental or physical of the woman, would amount to cruelty within the meaning of Section 498-A IPC.
19. In the above context, it would be profitable to refer to the statement of the law laid down by the Supreme Court in the case of **Jaideepsing**

Pravinsinh Chavda vs. State of Gujarat, (2025) 2 SCC 116. In the said case, it has been held that the allegation of cruelty simpliciter is not enough to constitute the offence. Rather it must be done either with intention to cause grave injury or to drive her to commit suicide or with intention to coerce her or her relatives to meet unlawful demands. Thus, if the conduct of husband or his relatives is accompanied with an intention to cause grave injury to a woman, whether or not she was driven to commit suicide because of such conduct or whether or not she was driven to inflict grave injury upon herself, is immaterial, it would amount to cruelty within the meaning of Section 498A IPC. Once it is shown that that intention of the husband or his relatives, while resorting to a particular conduct against the woman would lead to grave injury or danger to life, limb or health (mental or physical) of the woman, it amounts to cruelty within the meaning of section 498A IPC.

20. Adverting to the facts of the present case, respondent No. 4 in her statement recorded under section 161 Cr.P.C. has given details about the manner in which mental and physical injuries were inflicted upon her by the petitioners. She has stated that her father-in-law dragged her, pulled her hair and she has also given the date on which the said incident has taken place. She has further stated that her mother-in-law leveled allegations of unchastity against her and she has mentioned the date on which the said incident took place. She has also stated that her husband left for Canada only a few days after the marriage without taking her along with him and without even taking any steps for her travel to Canada

to accompany her and instead left her as servant for his parents. These acts clearly amount to grave injury or danger to health (mental and physical) of the complainant. The same fulfils the ingredients of offence under Section 498A IPC. Thus, it cannot be stated that no offence is/are made out against the petitioners.

21. From the foregoing discussion, it is clear that the allegations made in the impugned FIR which are supported by the material collected by the Investigating Agency during the investigation of the case, establish commission of a cognizable offence by the petitioners. Therefore, the present case is not of such a nature as would warrant exercise of jurisdiction by this Court under section 482 Cr.P.C. to quash the proceedings against the petitioners.
22. The petitions lack merit and are dismissed accordingly. Interim direction(s) shall stand vacated.
23. Case Diary be returned to learned counsel for the official respondents.

(SANJAY DHAR)
JUDGE

Jammu:
16.04.2025
Rakesh PS

Whether the order is speaking:	Yes/Nb
Whether the order is reportable:	Yes/Nb