

**SUPREME COURT OF INDIA**

Pyare Lal

Vs.

State of Haryana

Crl.A.No.549 of 1990

(M.M.Punchhi and K. T. Thomas JJ.)

20.02.1997

**ORDER**

1. The point for consideration in this appeal is whether the appellant can be held guilty for offence under Section 304-B IPC on account of the suicide committed by his wife within seven years of marriage which could be called a 'dowry death'. For that purpose the only evidence of the prosecution available is that of PW-11, the father of the deceased Usha Rani. It does not matter much that the same was corroborated by P.W. 12 for it has to be examined whether the harassment meted out to the deceased shortly before her suicidal death could be attributed to anything concerning demand of dowry.

2. The statement of PW-11 is to the effect that the appellant was married to his daughter Usha Rani on 27-4-1983. It is stated that the appellant was well disposed towards his wife for 5 to 7 months thereafter but then differences arose. The apparent reason was that PW-11, who had been a resident of Jalandhar had shifted to Panipat the town where the spouses resided. Having settled at Panipat, he had constructed two houses and a shop. The appellant started asking that the house be transferred to him as also the shop which was not agreed to by PW-11. Then came a demand of Rupees 10,000/- from him, lest the appellant mal-treat his daughter. PW-11 gave Rs. 5,000/- to the appellant. In spite of having got his demand met partially the appellant turned out his wife Usha Rani when she had a

male child in her arms about a month old. For two years thereafter she stayed at her father's house. In the meantime there was cross litigation between the parties, the husband filing a petition under Section 9 of the Hindu Marriage Act and the wife claiming maintenance under Section 125 of the Code of Criminal Procedure. Various steps were taken to settle the matter but ultimately the brotherhood of the parties got effected a compromise between the parties on 1-2-1987 which was reduced to writing and has been put on record as Ex. PG. In terms thereof the deceased went to her husband's house. She lived there without any problem for four or five months. Then arose the problems partly on account of her husband occasionally beating her and partly from her in-laws who wanted the spouses to live separate from them as they were not willing to keep the appellant joint with them because the appellant allegedly had got 'spoiled'. The father of the appellant could not be persuaded to keep his son and daughter-in-law in his house even invoking his compassion of the impending delivery of a second child to the deceased. The suggestion of PW-11 that the appellant could be separated after the delivery of the child did not cut any ice. It is in this circumstance that the appellant and deceased moved over to a rented room at a distance of about two kilometers from the house of the parents in-laws of the deceased.

3. The death of the deceased took place on 19-12-1987 she having consumed insecticide poison, a date close to the shifting of residence. PW-11 further stated that on two Sundays previous to 14-12-1987 which fell on 6-12-87 and 13-12-87 his daughter visited him. On the first occasion she had expressed her desire to come and live with him but PW-11 told her that she could have her child in her in-laws house where after he would bring her and keep her in his house. The deceased had expressed her desire to live with her father because she had complained to him that the appellant was harassing and maltreating her. On 13-12-1987 also deceased came and told her father PW-11 that the appellant was harassing and maltreating her. This time PW-11 told her daughter that he was willing to keep her in his house but the deceased then replied that she would rather have her baby in her house and then later move into his house. In that way perhaps the deceased was disappointed with her father for not opening his arms to give her instant shelter. She was also anguished by the maltreatment meted out to her by her husband. Lastly, the prospect of bringing to the world another child in these circumstances should have been depressing. This led her to commit suicide on 14-12-1987 about which PW-11 was informed, who set the police machinery into motion to have the appellant and two others arrested and tried for the criminal offence. The Courts below not only have convicted the appellant alone for the offence under Section 304-B IPC but have also convicted him for offence under Section 498-A of the Indian Penal Code.

4. The above version by PW-11 is simple and plain; that the death of Usha Rani was occasioned not on account of any demand of dowry but because of various factors which we have enumerated above. Whatever demands of dowry arose after the marriage, over which there were differences between the parties were settled or got receded when the deceased resumed co-habitation with her husband on 2-2-1987 the day following when Ex. PC was written. There is no whisper thereafter of any demand of dowry. The cruelty otherwise inflicted on the deceased would be a relevant circumstance to maintain the conviction of the appellant under Section 498-A of the Indian Penal Code. Unless there was evidence of dowry demand, Section 304-B of the Indian Penal Code would not be attracted. For the kind of treatment meted out to the deceased, Section 304-B, Indian Penal Code cannot be attracted and therefore the appellant cannot be held guilty for the said offence. He is accordingly acquitted of the charge under Section 304-B, Indian Penal Code. On the other hand, his

conviction and sentence under Section 498-A, Indian Penal Code is sustained. There is thus part success for the appellant in this appeal which is disposed of accordingly. The appellant is on bail after having undergone, as stated, about three and a half years sentence. If that is so, the appellant need not surrender to his bail bonds.

Order accordingly.