

Mulakala Malleshwara Rao & Anr. v. State of Telangana & Anr.

- ❖ **TOPIC :** Woman Absolute Owner Of Stridhan, Father Cannot Seek Its Recovery From In-Laws Without Her Authorization
- ❖ **BENCH :** Justice JK Maheshwari and Justice Sanjay Karol



- ❖ **FORUM:** Supreme Court
- ❖ **MAIN ISSUE**
 - Whether the Stridhan is the exclusive property of the woman, and whether her father can claim recovery of Stridhan from the in-laws of the daughter.
- ❖ **FACTS**
 - The complainant filed the complaint against his daughter's former in-laws, accusing them of withholding her 'stridhan'—which included 40 Kasula gold and other articles given at the time of her marriage in 1999.
 - The daughter had divorced her husband in 2016 and remarried in the United States in 2018.
- ❖ **BACKGROUND**
 - Despite the passage of time and the settlement of all marital issues through a Separation Agreement at the time of the divorce, the father filed the FIR in January 2021, alleging that the in-laws had not returned the 'stridhan.'
 - A charge sheet was filed for offence under Section 406 of the IPC for criminal breach of trust and under Section 6 of the Dowry Prohibition Act, 1961.
 - The former in-laws approached the Telangana High Court to quash the proceedings. The High Court, on December 22, 2022, refused to quash the FIR, finding the allegations in the charge sheet to be prima facie triable.
 - Thus, the accused filed the present appeal before the Supreme Court.
 - The Supreme Court held recently that Stridhan is the exclusive property of the woman, and her father cannot claim recovery of Stridhan from in-laws without explicit authorisation from her.

- A bench of Justice JK Maheshwari and Justice Sanjay Karol quashed an FIR filed by the father of a divorced woman seeking the recovery of her 'stridhan'—gifts and ornaments given at the time of marriage—from her former in-laws.

❖ **OBSERVATIONS**

- The Court further observed that the FIR, filed more than five years after the woman's divorce and three years after her remarriage, lacked merit.
- The Supreme Court considered whether the father had any locus standi to file the FIR.
- The Court emphasized the established legal principle that 'stridhan' is the exclusive property of the woman.
- The Supreme Court found that the FIR failed to meet the criteria for criminal breach of trust under Section 406 IPC.
- The Court noted that there was no evidence that the complainant had entrusted the 'stridhan' to the appellants or that they had dishonestly misappropriated it.
- The Court also observed that the FIR was filed with a significant delay, with no satisfactory explanation provided for the delay.
- The Court pointed out that the Separation Agreement between the daughter and her former husband had explicitly resolved all issues, including the division of personal belongings, at the time of their divorce.
- The Agreement included a clause releasing both parties from any further claims, and thus the charge under Section 6 of the Dowry Prohibition Act is not made out, the Court held.
- The Supreme Court quashed the FIR and the subsequent criminal proceedings, emphasizing that the law should not be used as a tool for vendetta.

Shaileshbhai Ranchhodbhai Patel and Anr. v. State of Gujarat and Ors.

- ❖ **TOPIC :** High Court Can Quash FIR Even After Charge-Sheet Is Filed **BENCH :** Justice Dipankar Datta and Justice Ujjal Bhuyan
- ❖ **BENCH:** Justice Dipankar Datta and Justice Ujjal Bhuyan
- ❖ **FORUM:** Supreme Court
- ❖ **MAIN ISSUE**
 - Whether the high court is empowered or not under Section 482 CrPC to quash an FIR even after a charge sheet is filed.
- ❖ **FACTS**
 - The complainant had registered the FIR in 2002 against her husband and in-laws. She and the

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appellant's husband obtained a divorce by mutual consent in 2004.

- The Gujarat HC on September 14, 2011 dismissed quashing applications filed by the appellants as the investigating officer had filed a charge-sheet and a prima facie case had been made out against the appellants.
- Thus, the appellants filed the present appeal before the Supreme Court.



❖ **BACKGROUND**

- The Supreme Court reiterated that the High Court is empowered under Section 482 CrPC to quash an FIR even after a charge sheet is filed if the court is satisfied that continuing the proceedings would be an abuse of the process of law.
- A bench of Justice Dipankar Datta and Justice Ujjal Bhuyan quashed the FIR and charge-sheet against the parents-in-law and husband of a complainant in a cruelty case under Section 498A of the IPC.

❖ **OBSERVATIONS**

- The Court allowed appeals filed by the complainant's parents-in-law and husband, against the Gujarat High Court's refusal to quash the FIR.
- The Supreme Court observed that despite being served a notice on May 30, 2023, the complainant did not appear in court to oppose the appeals, as noted in the office report dated December 2, 2023.
- The Supreme Court noted that the complainant and her husband had severed their marital ties in 2004, and both were well settled in their respective lives.
- The Court observed that the complainant had not shown any inclination to have her marital life disturbed, as she did not participate in the current proceedings.
- The Court also opined that the allegations in the FIR were vague and general in nature.
- Therefore, the Court questioned whether the FIR and the charge-sheet should proceed to trial solely because of the appearance of a prima facie case against the appellants.
- The Supreme Court referred to several precedents, including *Abhishek v. State of Madhya Pradesh*, to emphasize that the High Court retains the power to

quash an FIR under Section 482 of the CrPC even after a charge-sheet is filed.

- Therefore, the Court found it appropriate to put a quietus to the long-standing dispute between the parties by invoking its powers under Article 142 of the Constitution to quash the FIR, the charge-sheet, and all other proceedings arising from it.

XXXX v. XXXX

- ❖ **TOPIC** : Punjab & Haryana High Court Sets Aside Dowry Death Conviction Of Husband, Mother-In-Law After 20 Yrs says Cruelty Element Missing
- ❖ **BENCH** : Justice Harpreet Kaur Jeewan



- ❖ **FORUM**: Punjab & Haryana High Court
- ❖ **MAIN ISSUE**

- Whether the basic requirement of cruelty or harassment soon before the death to bring the case within the ambit of Section 304-B IPC is present or not in this case

➤ **FACTS**

- The Court was hearing the appeal against judgment of conviction and order of sentence, passed by the Additional Sessions Judge, Barnala, whereby, the husband, mother-in-law and father-in-law were convicted and sentenced under Section 304-B of the IPC in FIR lodges 2000, registered under Sections 302 and 304-B IPC.

❖ **BACKGROUND**

- The appellants were sentenced to undergo rigorous imprisonment for 07 years and to pay a fine of Rs. 5,000.
- The father-in-law passed away during the pendency of appeal.
- According to the complainant (father of the deceased victim), the victim who was married in 1998, was harassed and tortured by her husband and in-laws for not bringing sufficient dowry at the time of marriage.
- In 1999, a son was born out of wedlock and it was alleged the complainant had borne all the hospital expenses apart from giving a sum of Rs.11,000 as shagan and clothes as a gift.
- Despite that the husband and his relatives had been

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harassing the victim saying that she had brought less gifts at the time of birth of her son.

- In 2000, the complainant was informed that the victim had received severe burn injuries and later she succumbed to injuries. It was alleged that the deceased was killed by her husband and in-laws by setting her on fire.

❖ **OBSERVATIONS**

- The High Court opined that it was a case of suicide as the victim had history of epilepsy and was suffering with depression, the Trial Court erred in convicting the husband and in-laws for dowry death case.
- Justice Harpreet Kaur Jeewan said, "Both the parents of the victim are material witnesses. They have not pointed out any incident soon before the alleged occurrence which could have triggered the victim to commit suicide."
- Neither any demand of dowry is alleged to have been made soon before the occurrence nor any other such act or omission has been pointed out from which a conclusion can be drawn that the victim was being harassed or driven to such circumstances whereby she had to take such a drastic step of committing suicide."
- The Court opined that it is highly improbable that the car would stop on the gate of the hospital and the victim would make a statement in the form of a dying declaration before the said witnesses when the victim was having about 90% burn injuries and was taken to hospital in a car.
- All endeavors are usually made by the relatives to ensure that the injured in such a state reaches the medical facilities immediately and it is highly improbable that the car carrying the victim could have been stopped at the gate of the hospital, it added.
- The father of the victim has stated that during the course of investigation, no dowry articles were recovered, the judge noted.
- "The oral testimony of the parents of the victim that the victim was being harassed for demand of dowry is not believable in view of the attending circumstances."
- The 'Cruelty' of such a grave nature driving a woman to commit suicide has not been proved," the Court observed.
- It added that, "The victim used to visit her parental home along with the husband. The victim gave birth to a male child. She was taken back to her matrimonial home."
- No panchayats were ever convened. No relatives were assembled. The victim used to reside separately on the first floor of the house with the

husband, though the kitchen used to be common on the ground floor as per the site plan.

- In the absence of a strong evidence, reflecting that the victim was subjected to cruelty which drove her to commit suicide in not proved on record."
- Stating that "there is no evidence on record to prove beyond the shadow of doubt the guilt of the appellants-accused under Section 304-B IPC," the Court set aside the conviction.
- Observing that, "basic requirement of cruelty or harassment soon before the death to bring the case within the ambit of Section 304-B IPC is absent", the Punjab & Haryana High Court has set aside the conviction for dowry death in a 24 years old case.

Showkat Ahmad Rather v. State of J&K

- ❖ **TOPIC :** Mere Demand For Dowry Not Cruelty In Absence Of Persistent Harassment
- ❖ **BENCH :** Justice Sanjeev Kumar



- ❖ **FORUM:** Jammu and Kashmir and Ladakh High Court
- ❖ **MAIN ISSUE**
 - Whether a simple demand for dowry, without consistent harassment aimed at coercing the victim to meet such demands, does constitute "cruelty" or not under Section 498-A of the Ranbir Penal Code (RPC).
- ❖ **FACTS**
 - The case arose from the death of a young woman, who allegedly faced dowry demands from her husband and in-laws.
 - Following her death, the woman's family accused the husband and his relatives of subjecting her to cruelty and harassment over dowry, leading to her untimely demise.
- ❖ **BACKGROUND**
 - The Principal District Judge, Bandipora, convicted the accused under Sections 498-A and 304-B RPC, holding them responsible for the victim's death due

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to dowry-related cruelty.

- The husband and his family, however, contested the conviction, asserting that the allegations were unfounded and that the victim had not been subjected to any form of persistent harassment or cruelty.
- The appellants argued that the evidence presented by the prosecution did not substantiate the claim of continuous harassment or cruelty as defined under Section 498-A RPC.
- The appellants further argued that the trial court had failed to consider the lack of direct evidence linking them to the alleged acts of cruelty that supposedly led to the victim's death.

❖ **OBSERVATIONS**

- The Jammu and Kashmir and Ladakh High Court has held that a simple demand for dowry, without consistent harassment aimed at coercing the victim to meet such demands, does not constitute "cruelty" under Section 498-A of the Ranbir Penal Code (RPC).
- After careful scrutiny of the evidence and testimonies presented, Justice Kumar observed that the essence of "cruelty" under Section 498-A RPC lies in the sustained and continuous harassment aimed at coercing the woman to meet unlawful demands.
- The Court emphasized that a mere demand for dowry, if not coupled with persistent harassment or cruelty, does not fulfill the legal criteria for a conviction under Section 498-A RPC.
- The Court further noted discrepancies in the prosecution's case, particularly the lack of substantial evidence to prove that the victim was subjected to ongoing harassment by the appellants.
- The testimonies from the victim's family, while emotionally charged, did not sufficiently establish that the accused had harassed the deceased in a manner that amounted to cruelty under the law, the bench pointed out.
- The Court referred to several precedents to support its findings, including *State of Punjab v. Gurmit Singh* and *Girdhar Shankar Tawade v. State of Maharashtra* and underscored the necessity of proving consistent harassment and cruelty beyond mere demands for dowry to sustain a conviction under Section 498-A.
- In light of these considerations, the High Court concluded that the appellants' actions, though morally questionable, did not meet the stringent legal requirements for a conviction under the relevant sections of the RPC.

Pidilite Industries v. Premier Stationery Industries Pvt. Ltd.

- ❖ **TOPIC :** Bombay High Court Imposes Rs 50 Lakh Costs On Company For Breaching Injunction Orders, Using Fevicol Trademark



- ❖ **BENCH :** Justice Riyaz Chagla
- ❖ **FORUM:** Bombay High Court
- ❖ **MAIN ISSUE**

- Whether a company which used 'deceptively' similar trademark of Fevicol and its range of products despite an injunction restraining the company from using anything similar to said trademark or not.

❖ **FACTS**

- According to the Petitioner company, it had obtained an injunction order after signing a consent terms with the defendants in July 2017 to the effect that the defendants would stop selling of their impugned products which are similar to Fevicol MR Artistic Work, Fevicol MR Bottle and Fevicol MR Glue Pens.

❖ **BACKGROUND**

- The petitioners contended that despite the undertaking given and the injunction in place, the defendants continued to sell the disputed products in the same deceptive and vindictive manner.
- In yet another case of contempt in a commercial suit, the Bombay High Court on August 13 imposed a hefty cost of Rs 50 lakh on a company which used 'deceptively' similar trademark of Fevicol and its range of products despite an injunction restraining the company from using anything similar to said trademark.

❖ **OBSERVATIONS**

- Single-judge Justice Riyaz Chagla noted that the petitioner in breach of the injunction order continued to sell the disputed products. It refused to accept the contention of the original defendant Kusum Puri Goswami, the owners of defendant company that it had sold the company to one Rajinder Puri Goswami and thus, they cannot be held responsible for any disobedience of the High

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Court's July 13, 2017 injunction order.

- The judge further refused to consider the 'justification' put forth by Rajinder Goswami and the now new company, that they were unaware of the July 13, 2017 order and also of the undertaking and consent terms signed by the parties, then, agreeing not to use the impugned trademark.
- The judge opined that the Respondents 3 and 4 (company and Rajinder Goswami) did have the knowledge of the final order and consent terms forming part thereof on account of their integral connection with each other and particularly as Kusum and Rajinder are in marital relationship.
- Therefore, the bench ordered the respondents to pay Rs 50 lakh to Pidilite, within four weeks of the instant order getting uploaded on the HC website.



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