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Check dowry law misuse by women: HC

TIMES NEWS NETWORK [THURSDAY, MAY 22, 2003 12:30:00 AM]

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NEW DELHI: The Delhi high court on Wednesday said that matrimonial offences where a woman is not physically assaulted should be compoundable and bailable.

Justice J D Kapoor upheld a trial court's order and said two provisions of anti-dowry law under the Indian Penal Code (IPC) were being misused.

Justice Kapoor was hearing the petition of Savita Devi who had challenged the order of metropolitan magistrate Nisha Saxena. Devi claimed the magistrate had erred in not framing charges against her father-in-law and two sisters-in-law.

Saxena had only charged Devi's husband for dowry harassment. But Devi claimed before the court that the in-laws too had harassed her since they refused to accept the customary gifts.

Justice Kapoor, however, held that the only allegation of not accepting the customary gifts in a marriage does not amount to harassment or cruelty as contemplated under Section 498 A (harassment for dowry) of the IPC.

He further held the investigation into the offences pertaining to dowry should be held by civil authorities like executive magistrates. Cognizance, the judge said, should be taken only after the findings on the commission of offences.

And until such a mechanism is evolved, Justice Kapoor said only an assistant commissioner of police should investigate cases for dowry harassment and that a deputy commissioner of police should be the investigating officer in a case where a woman dies due to dowry harassment.

He also took a serious view of cases where some children are arrested under the charges of dowry harassment. Justice Kapoor ruled: "There is a growing tendency among women, which is further perpetuated by their parents and relatives, to rope in each and every relative, including minors and even schoolgoing children of distant relatives."

Where a schoolgoing child is named, the judge said, he or she shall not be arrested.

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