
(2025) 10 JH CK 1334

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No.1353 Of 2022

Ram Lakhan Ram

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 29-10-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Dowry Prohibition Act, 1961 — Section 2, 6, 6(1), 6(2), 6(3)

Citation : (2025) 10 JH CK 1334

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Amit Kumar Das, Priya Shrestha, Manoj Kr.

Final Decision : Allowed

Judgement

Anil Kumar Choudhary, J

1. Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 with a prayer to quash the entire criminal proceedings in connection with Complaint Case No.1566 of 2021 including the order dated 05.03.2022 passed by the learned S.D.J.M., Palamau whereby and where under the learned S.D.J.M., Palamau has found prima facie case for the offence punishable under Section 6 of the Dowry Prohibition Act, 1961 against the petitioners.

3. The brief fact of the case is that at the time of marriage of the complainant, the father of the complainant paid Rs.3,50,000/- by transferring the same to the account of the husband of the complainant. Later on, the husband of the complainant gave all those money to his father. The father of the complainant also paid Rs.5,00,000/- to the elder brother of the husband of the complainant, to look after the complainant and her paternal family members, at the time of the marriage. The complainant deposited her jewelries with her mother-in-law

and the wife of the elder brother of her husband. The marriage of the complainant took place on 28.05.2019 but her husband died on 29.04.2021. After the death of her husband, the in-laws of the complainant kept all the articles, jewelries and money and refused to pay the same to the complainant and drove her out from the house. On the basis of the complaint, statement of the complainant on solemn affirmation, statement of the inquiry witnesses, the learned S.D.J.M., Palamau found prima facie case for the offence punishable under Section 6 of the Dowry Prohibition Act and ordered for issue of summons.

4. Learned counsel for the petitioners submits that the allegations against the petitioners are false and concocted. The marriage of the husband of the complainant and the complainant was a love marriage, hence, the question of demand of dowry does not arise. It is next submitted that no witness has been examined in the case, as yet. It is next submitted that there is no allegation of receiving any dowry by any of the petitioners and in the absence of the same, the offence punishable under Section 6 of the Dowry Prohibition Act, 1961 is not made out against the petitioners. Hence, it is submitted that the prayer of the petitioners, as prayed for in the instant Cr.M.P., be allowed.

5. Learned Spl.P.P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioners made in the instant Cr.M.P. and submit that the allegations made against the petitioners are sufficient to constitute the offence punishable under Section 6 of the Dowry Prohibition Act, 1961. Hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that Section 2 of the Dowry Prohibition Act, 1961 defines dowry which reads as under:-

2. Definition of "dowry".—In this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before [or any time after the marriage] [in connection with the marriage of the said parties, but does not include] dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

7. Section 6 (1), (2) and (3) of the Dowry Prohibition Act, 1961 reads as under:-

6. Dowry to be for the benefit of the wife or her heirs.—(1) Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman—

(a) if the dowry was received before marriage, within [three months] after the

date of marriage; or

(b) if the dowry was received at the time of or after the marriage, within [three months] after the date of its receipt; or

(c) if the dowry was received when the woman was a minor, within [three months] after she has attained the age of eighteen years,

and pending such transfer, shall hold it in trust for the benefit of the woman.

[(2) If any person fails to transfer any property as required by sub-section (1) within the time limit specified therefor [or as required by sub-section (3)], he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years or with fine [which shall not be less than five thousand rupees, but which may extend to ten thousand rupees] or with both.]

(3) Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being:

[Provided that where such woman dies within seven years of her marriage, otherwise than due to natural causes, such property shall,—

(a) if she has no children, be transferred to her parents, or

(b) if she has children, be transferred to such children and pending such transfer, be held in trust for such children.]

The plain reading of this section makes it abundantly clear that Section 6 (1), (2) and (3) of the Dowry Prohibition Act, 1961, provides punishment for the person, who claims to transfer any property, which such person receives as dowry in connection with the marriage of any woman to that person. If such dowry is received before the marriage then the same has to be transferred to the woman within three months of the date of marriage and if the dowry was received at the time or after the marriage, three months after the date of receipt with the date of receipt of such dowry and if the dowry was received when the woman was minor then such transfer has to be made within three months after the woman attains the age of 18 years.

8. Section 6 (3) of the Dowry Prohibition Act, 1961 provides for transfer of property to the heirs of the woman, when woman entitled to property under Section 6 (1) dies before receiving the property.

9. Now, coming to the facts of the case, the dowry in terms of Section 2 of the Dowry Prohibition Act, is only Rs.3,50,000/- and the same was given to the husband of the complainant. So, as per Section 6 (1) of the Dowry Prohibition Act, 1961 it was the husband of the complainant who has received the dowry of Rs.3,50,000/- and which the husband of the complainant was supposed to transfer to the complainant within three months of their marriage but the

complainant has no grievance against her husband. If the husband of the complainant has paid any money to his father, the same cannot be termed as receipt of dowry by the father of the husband of the complainant, in terms of Section 6 (1) of the Dowry Prohibition Act.

10. So far as the payment of Rs.5,00,000/- to the petitioner No.3 is concerned, it is the admitted case of the complainant that the same was given to the petitioner No.3 by the father of the complainant to look after the complainant and her paternal family members, obviously who were going to attend the marriage, including their accommodation, fooding and other expenses etc. but such payment cannot be termed as 'Dowry' as defined in terms of Section 2 of the Dowry Prohibition Act, 1961.

11. So far as the claim of the complainant that she deposited her jewelries with the petitioner Nos.2 and 4 is concerned, again such entrustment of the property, much after the marriage of the complainant, for safe-keeping or otherwise cannot be termed as 'Dowry' as defined in terms of Section 2 of the Dowry Prohibition Act, 1961.

12. Hence, as none of the petitioners, admittedly were under any obligation to transfer any property to the complainant as defined in terms of Section 6 (1) of the Dowry Prohibition Act, 1961, this Court has no hesitation in holding that, even if the entire allegations made against the petitioners are considered to be true in their entirety still the offence punishable under Section 6 of the Dowry Prohibition Act, 1961 is not made out against the petitioners. Therefore, the continuation of this criminal proceeding against the petitioners will amount to abuse of process of law and this is a fit case where the entire criminal proceedings in connection with Complaint Case No.1566 of 2021 including the order dated 05.03.2022 passed by the learned S.D.J.M., Palamau, be quashed and set aside against the petitioners.

13. Accordingly, the entire criminal proceedings in connection with Complaint Case No.1566 of 2021 including the order dated 05.03.2022 passed by the learned S.D.J.M., Palamau, is quashed and set aside against the petitioners.

14. In the result, this Cr.M.P. stands allowed.