

17.03.2026

Prosecution Case: The present case arises out of an FIR lodged by the informant, Aarti Kumari, against her husband, father-in-law, and sister-in-law alleging cruelty and demand of dowry. It is alleged that her marriage was solemnized in the year 2015 with accused Mantosh Paswan after giving motorcycle, cash of Rs. 80,000/- and other articles. Subsequently, it is alleged that the accused persons demanded a further sum of Rs. 1,00,000/- for business purposes and upon failure to fulfill the said demand, she was subjected to assault and ultimately driven out from her matrimonial home.

After investigation, charge-sheet was submitted against all three accused persons under Section 498A of the IPC and Sections 3/4 of the Dowry Prohibition Act, upon which cognizance was taken and charges were framed accordingly.

2. Proceedings During Trial:

During trial, the prosecution examined only one witness, namely P.W.-1 (the informant herself). In her examination-in-chief, she supported the prosecution case to the extent of marriage, alleged demand of Rs. 1,00,000/- and general allegations of assault and expulsion from matrimonial home.

However, during her cross-examination, the witness categorically admitted that a compromise has been arrived at between the parties voluntarily without any coercion. She further stated that the compromise was in respect of all pending cases and was for a total sum of Rs. 3.5 lakhs, out of which she has already received substantial amount and the remaining amount was to be paid.

It further appears from the record that the accused persons have deposited the remaining settlement amount and the compromise between the parties has been duly recorded.

3. Points for Determination:

The primary question that arises for consideration is:

- (i) Whether the prosecution has been able to prove the charge under Section 498A IPC and Sections 3/4 of the Dowry Prohibition Act beyond reasonable doubt?
- (ii) What is the effect of compromise between the parties in the present case?

4. Appreciation of Evidence and Findings:

It is settled law that the offence under Section 498A IPC is non-compoundable. However, the effect of compromise can be taken into consideration while appreciating the evidence on record.

Upon careful perusal of the testimony of P.W.-1, it is evident that:

- The allegation regarding demand of Rs. 1,00,000/- is stated to be for business purposes and not specifically as dowry.
- The allegations of assault are general and omnibus in nature without any specific overt act attributed to any particular accused.
- No independent witness has been examined by the prosecution to corroborate the allegations.
- The sole witness (informant) herself has admitted the compromise and has shown her inclination towards settlement rather than prosecution.

Further, the testimony of P.W.-1, particularly in cross-examination, reflects that the dispute between the parties was primarily matrimonial in nature and has already been amicably settled. The conduct of the witness indicates that she is no longer interested in supporting the prosecution case.

It is a cardinal principle of criminal jurisprudence that the prosecution must prove its case beyond reasonable doubt. In the present case, the evidence on record suffers from material inconsistencies and lacks specificity. The general and omnibus allegations, coupled with absence of corroborative evidence, create serious doubt regarding the prosecution story.

Thus, this Court is of the considered opinion that the prosecution has failed to establish the charges against the accused persons beyond reasonable doubt.

5. Order

Accordingly, all the accused persons, namely: **1. Mantosh Paswan, 2. Nirdhan Paswan & 3. Sita Devi** are hereby **acquitted** of the charges under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, on the ground of benefit of doubt.

They are discharged from the liabilities of their bail bonds.

(Dictated)

Sd/-

SDJM, Majhaul(Begusarai)