

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 7495 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MRS. JUSTICE M. K. THAKKER

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Approved for Reporting	Yes	No
		✓
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RAMESHKUMAR S/O ISHWARSINH JAT & ANR.
 Versus
 STATE OF GUJARAT & ANR.

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Appearance:
 A S TIMBALIA(7372) for the Applicant(s) No. 1,2
 MS.MONALI BHATT, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 09/07/2026

JUDGMENT

1. Rule returnable forthwith. Learned APP Ms.Monali Bhatt waives service of notice of Rule on behalf of respondent-State.
2. The present application is filed for quashment of FIR being I-CR No. 11196036240477/2024 registered with Harni Police Station, Vadodara for the offence punishable under section 108, 80, 54 of BNS, 2023 and sections 3 and 7 of The Dowry Prohibition Act, 1961 against five accused including present applicants who

are accused no. 2 and 3 father-in-law and the mother-in-law of the deceased.

3. The facts in a nut shell arising from the present case is as under:

3.1. The deceased daughter of the complainant was serving in IDBI bank on the post of P.O and prior to marriage she was staying at Vadodara on rented premises, where she continued to stay after marriage and her service remained to continue. The husband was transferred from Bangalore to Pune 5 months prior to the date of FIR and he used to go to Vadodara frequently by taking leave and the deceased daughter also used to visit Pune. As per the allegations in the FIR, after 15 to 20 days from the date of marriage, the applicants started torturing the deceased on the ground that their son is serving in government office and if his marriage was solemnized with someone else, then he would have received a BMW car. The parents of the deceased were called by the present applicants and were demanded dowry which was satisfied to the extent of Rs.5,00,000/- immediately on the solemnization of marriage thereafter, they have continued to make demands and again the

demand was satisfied to some extent. As per the allegations, the demand does not stop there and husband of the deceased used to send the photographs of different girls on her mobile which was informed by the deceased to her father, who is the complainant, and the complainant was frequently called by the present applicant making complaints of their daughter and at the end their demand stopped at the point of dowry. The deceased informed to the father that for how many times their demands would be satisfied and even though again Rs.5,00,000/- were given by the complainant, the torture and harassment remained to continue. The husband of deceased asked her to make her father stand as a guarantor to obtain a loan of Rs.50,00,000/- which was refused by the deceased and ultimately on the fateful day of the incident i.e 14.10.2024 she put an end to her life by hanging herself on ceiling fan. The complainant, who is father of the newly wedded girl, has lodged the FIR and on completion of the charge-sheet as well as after order of committal, instant application came to be filed by the applicant for quashment of the impugned proceedings.

4. Heard learned advocate Mr.A.S.Timbalia for the applicant and learned APP Ms.Monali Bhatt for the State.

4.1. It is submitted by learned advocate Mr.A.S.Timbalia that not only the applicant but the married sister-in-laws are also arraigned as accused, who are protected by this Court, in the quashment proceeding on the ground that both were residing separately in Delhi and the deceased was residing in Vadodara. It is submitted by learned advocate Mr.A.S.Timbalia that likewise, the present applicants who are also residing at Haryana are required to be protected from the false prosecution. It is submitted that there might be dispute between the husband and wife which resulted into the commission of suicide however, the present applicant who are father-in-law and mother-in-law, aged around 60 and 58 years, are required to be protected by the quashing the impugned FIR. It is submitted by learned advocate Mr.A.S.Timbalia that the material collected during the investigation does not suggest the active role in instigating the deceased to commit suicide and by no stretch of imagination it can be said that any abetment is caused at the end of the

applicant. It is submitted by learned advocate Mr.A.S.Timbalia that that in that background, the impugned FIR deserves to be quashed by allowing the present application.

4.2. As against the same, learned APP Ms.Monali Bhatt submits that during the course of investigation, the material collected suggests the active participation of the applicants in commission of the crime. It is submitted that Whatsapp chats reveal that immediately before commission of suicide, the deceased had sent a message to the accused no.1 stating that *you and your family be happy now because my tolerance level is over.* It is submitted that this message itself suggests the involvement of the present applicants in torturing and harassing the deceased on ground of bringing less dowry.

4.3. It is submitted by learned APP Ms.Bhatt that during the investigation the statement of house maid namely Kokilaben Bariya was recorded wherein it is stated that on the earlier day of the incident when she reached to the house of the deceased, the husband had caught hold of the neck of the deceased and on arrival of the maid,

the husband left and went to the bedroom and thereafter he was shouting on the deceased asking her to come to the bedroom to which, the deceased had replied that she is doing the work of bathroom therefore, she would not come. As per this statement, the deceased herself had disclosed to the housemaid that the in laws are asking for accounts of her salary and demanding money frequently. In view of the above, learned APP Ms.Bhatt submits that at this stage the evaluation of the evidence is impermissible and in that background all the proceedings are required to be put to a logical end.

5. Having given thoughtful consideration to the submission made by the learned advocates and on referring the allegations, it emerges that the deceased committed suicide within a period of 7 months from the date of her marriage. The applicants are belonging from Haryana. As per the allegations, the father of the deceased provided Rs.5,00,000/- twice to the in-laws of the deceased and despite the same, their torture and harassment to deceased did not end. The demands of the in-laws was with regard to additional dowry on the ground that their son is a government officer. It may be

the case where exercise of power would require wherein the in-laws were falsely implicated however, that cannot be accepted as a general proposition of law. The deceased was subjected to mental and physical harassment at the ends of the in-laws including the applicant.

- 5.1. As pointed out by the learned APP, the statement of the house maid dated 21.10.2024, who was serving for the deceased even prior to her marriage, reveals that on 13.10.2024 when she reached the house of the deceased, the husband had caught hold of the neck of deceased and immediately on seeing the house maid, the he left the place and went to the bedroom and thereafter, he has called the deceased but she refused to go there. As per the statement of housemaid Kokilaben, as and when the husband came to the house, he used to shout on the deceased for one or other reason with regard to dowry. As per the statement, the deceased herself had disclosed to the housemaid that her in-laws were asking for accounts of her salary and were demanding money frequently. During the investigation, it is found that the deceased had sent a message to the husband, which

reads as under:

“kr lo jitna torcher karna h jb tk aaoge na milungina aapko, aapki ghr wale aapki bhn aur aap sb khush ho jana ab, mujse aur bardash ni ho rha ab”

5.2. Undoubtedly, the material collected suggest that the deceased was mentally harassed by the accused including the applicants, on the ground of bringing insufficient dowry. There is a concrete and precise allegation against the present applicants and same is supported by the material collected during the investigation. In addition to that, the presumption under section 113A of the Evidence Act may also be available as the married women committed suicide within 7 months of the marriage, as prima facie material suggest that the applicants who are relatives of the husband, though staying at different place, has subjected her to cruelty as defined in 498A of IPC. It is submitted by learned advocate Mr.A.S.Timbalia that there is no proximity link between the act of the applicants and commission of suicide however, the Whatsapp message as referred above *prima facie* suggests that there was continuous harassment by all accused, including the

applicant who immediately after the marriage conveyed to the complainant that '*afsar ladka hai wo pehle dekhna chahiye, ab kharcha to hoga aur dahej to dena padega*'. On the demand of the applicant, the complainant paid amount of Rs.5,00,000/- twice and despite the same the harassment remained to continue and the level of harassment went above and beyond the tolerance of deceased due to which she put an end to her life.

5.3. Moreover, in the PM report, in addition to the injury of ligature mark, there was red linear abrasion of size 11 cm present over medial aspect of middle 1/3rd of right forearm which suggests that there might be physical assault on the deceased. In addition to that, there are messages which is sent to the brother and parents of the deceased suggesting that there was continuous harassment to the deceased by the applicant.

6. This Court has referred the decision of the Apex Court in the case of ***State of Madhya Pradesh Vs Jogendra & Anr. Reported in (2022) 5 SCC 401*** wherein, the discussion with regard to the definition of dowry is made as under:

10. As the word "dowry" has been defined in Section 2 of the Dowry

Prohibition Act, 1961 (for short "the Dowry Act"), the said provision gains significance and is extracted below:

"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.

*Explanation 1.-**

Explanation II. The expression "valuable security" has the same meaning as in Section 30 of the Indian Penal Code (45 of 1860)."

11. In a three-Judge Bench decision of this Court in Rajinder Singh v. State of Punjab, Section 2 of the Dowry Act has been split into six distinct parts for a better understanding of the said provision, which are as follows: (SCC p. 485, para 8)

"8. A perusal of Section 2 shows that this definition can be broken into six distinct parts

(1) Dowry must first consist of any property or valuable security- the word "any" is a word of width and would, therefore, include within it property and valuable security of any kind whatsoever.

(2) Such property or security can be given or even agreed to be given. The actual giving of such property or security is, therefore, not necessary.

(3) Such property or security can be given or agreed to be given

either directly or indirectly.

(4) Such giving or agreeing to give can again be not only by one party to a marriage to the other but also by the parents of either party or by any other person to either party to the marriage or to any other person. It will be noticed that this clause again widens the reach of the Act insofar as those guilty of committing the offence of giving or receiving dowry is concerned.

(5) Such giving or agreeing to give can be at any time. It can be at, before, or at any time after the marriage. Thus, it can be many years after a marriage is solemnised.

(6) Such giving or receiving must be in connection with the marriage of the parties. Obviously, the expression "in connection with" would in the context of the social evil sought to be tackled by the Dowry Prohibition Act mean "in relation with" or "relating to".

12. In the light of the above provision that defines the word "dowry" and takes in its ambit any kind of property or valuable security, in our opinion, the High Court fell into an error by holding that the demand of money for construction of a house cannot be treated as a dowry demand. In Appasaheb case referred to in the impugned judgment', this Court had held that a demand for money from the parents of the deceased woman to purchase manure would not fall within the purview of "dowry", thereby strictly interpreting the definition of dowry. This view has, however, not been subscribed to in Rajinder b Singh case wherein it has been held that the said decision as also the one in Vipin Jaiswal v. State of A.P.⁷, do not state the law correctly. Noting that the aforesaid decisions were distinct from four other decisions of this Court viz. Bachni Devi v. State of Haryanas, Kulwant Singh v. State of Punjab, Surinder Singh v. State of Haryana¹⁰ and Raminder Singh v. State of Punjab¹¹, the

Court opined that keeping in mind the fact that Section 304-B was inserted in IPC to combat the social evil of dowry demand that has reached alarming proportions, it cannot be argued that in case of an ambiguity in the language used in the provision, the same ought to be construed strictly as that would amount to defeating the very object of the provision. In other words, the Court leaned in favour of assigning an expansive meaning to the expression "dowry" and held thus: (Rajinder Singh case, SCC p. 491, para 20)

"20." Given that the statute with which we are dealing must be given a fair, pragmatic, and common sense interpretation so as to fulfil the object sought to be achieved by Parliament, we feel that the judgment in Appasaheb case followed by the judgment of Vipin Jaiswal do not state the law correctly. We, therefore, declare that any money or property or valuable security demanded by any of the persons mentioned in Section 2 of the Dowry Prohibition Act, at or before or at any time after the marriage which is reasonably connected to the death of a married woman, would necessarily be in connection with or in relation to the marriage unless, the facts of a given case clearly and unequivocally point (emphasis supplied) otherwise."

13. The Latin maxim "Ut res magis valeat quam pereat" i.e. a liberal construction should be put up on written instruments, so as to uphold them, if possible, and carry into effect, the intention of the parties, sums it up. Interpretation of a provision of law that will defeat the very intention of the legislature must be shunned in favour of an interpretation that will promote the object sought to be achieved through the legislation meant to uproot a social evil like dowry demand. In this context, the word "dowry" ought to be ascribed an expansive meaning so as to encompass any demand made on a woman, whether in respect of a property or a valuable security

of any nature. When dealing with cases under Section 304-B IPC, a provision legislated to act as a deterrent in the society and curb the heinous crime of dowry demands, the shift in the approach of the courts ought to be from strict to liberal, from constricted to dilated. Any rigid meaning would tend to bring to naught, the real object of the provision. Therefore, a push in the right direction is required to accomplish the task of eradicating this evil which has become deeply entrenched in our society.

7. Having applied the above ratio, in the instant case, in the opinion of this Court, prima facie allegations against the present applicants related to demand of dowry is made out, more particularly, from the statement of the housemaid as well as the sorrowful messages of the deceased. In that background, this Court does not find any reasons to exercise the inherent power to quash the proceedings initiated against applicant.
8. Resultantly, this application being devoid of merits, is rejected. Rule is discharged.

ARCHANA S. PILLAI

(M. K. THAKKER,J)