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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-2005-2024 (O&M)  
Date of Decision:- 15.09.2025

**Rahul @ Monty**

...Petitioner

Versus

**State of Haryana and another**

...Respondents

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Anmol Rattan Sidhu, Senior Advocate with  
Mr. Raghav Gulati, Advocate  
for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

Mr. G.P.S. Bal, Advocate  
for respondent No. 2.

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**AMARJOT BHATTI, J.(Oral)**

1. Petitioner Rahul @ Monty has filed petition under Section 482 of Cr.P.C. for quashing of case FIR No. 0028 dated 03.02.2023 under Section 304-B/498-A/34 of Indian Penal Code, 1860 (for short 'IPC') (offence under Section 304-B and 34 IPC deleted later on) registered at Police Station Bahuakbarpur, District Rohtak (Annexure P-1), alongwith all other subsequent and consequential proceedings arising out of said FIR including Final Report/Charge-sheet dated 17.03.2023 (Annexure P-3) or any other order or direction which the Court may deem fit and proper in the given facts and circumstances of the case.

2. As per the facts of case, Rupender son of Jagbir Singh filed written complaint alleging that his younger sister Savita got married with



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Rahul on 22.01.2018. Victim was mother of a daughter aged about two and a half years. His father had given dowry beyond their capacity. Soon after marriage, her husband Rahul and parents used to taunt his sister that she belonged to poor family, whereas, Rahul was an Army Officer. Dowry was not brought as per their status. On the birth of daughter, she was again taunted and under pressure and on their demand, they had given a sum of ₹5 lacs to purchase a vehicle and Fixed Deposit was made. Rahul used to torture his sister mentally. He used to say that behaviour of his sister was not worth to live in the house of an Officer. She was publicly humiliated on her appearance and manner of talking. His sister was well qualified having done M.Sc, B.Ed. Marriage was performed with consent of both the families. Whenever there was a party in Army, his sister was harassed and tortured due to his rude behaviour. She was humiliated in front of his colleagues. Rahul or his parents never admitted their fault. His sister was tortured by her husband on the provocation of her in-laws. Rahul did not talk to his sister and ignored her. Finally, his sister ended her life. With these allegations, present FIR has been registered.

3. During investigation, both Kuldeep father-in-law and Manju mother-in-law were found innocent. Investigating Agency came to the conclusion that no offence was made out under Section 304-B/34 of IPC nor ingredients of Section 306 IPC were made out. Finally, challan was presented against Rahul (present petitioner) under Section 498-A of IPC.

4. Learned counsel for petitioner argued that all allegations levelled against petitioner are without any basis. Present petitioner is an Army personnel and is qualified Engineer from Maharishi Dayanand



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University, Rohtak and at present he is at the rank of Major in Indian Army. Petitioner is not involved in any other criminal case. FIR has been registered on the complaint of brother of his wife Savita, who unfortunately expired on 03.02.2023. Their marriage was solemnized on 22.01.2018 and out of this wedlock, they were having a daughter born in May, 2020. It is denied that petitioner or his parents ever taunted the victim for bringing less dowry or there was demand for cash amount for buying a car. Allegations detailed in FIR are without any basis. After marriage, couple lived together at different places and finally when petitioner was posted at Anantnag, which was a non-family station, his wife alongwith child came to matrimonial home to stay with his parents at Madina, Rohtak. She was kept properly in matrimonial home. During investigation, parents of petitioner were declared innocent. Petitioner also joined investigation and fully cooperated with Investigating Agency. It was unfortunate death of his wife. Copy of Postmortem Report is Annexure P-2. Petitioner applied for regular bail and he was granted bail vide order dated 23.03.2023 (Annexure P-4). Investigating Agency concluded that no offence was made out under Section 304-B of IPC and finally challan is presented under the provisions of Section 498-A of IPC (Annexure P-3).

It is argued that from the contents of complaint, no offence under Section 498-A of IPC is made out. Rupender brother of his wife has also filed private complaint/protest petition against him and his parents which is Annexure P-5. Victim committed suicide by hanging. In fact, she was under depression. Treatment record of Chugh Neuro Mind Clinic is Annexures P-7 and P-8. She herself approached for getting medical



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treatment. Petitioner during his visit to his parental house on leave fully cooperated with his wife in taking treatment. So long victim lived with petitioner, they lived happily. Photographs of couple are annexed as Annexure P-9. The amount which was transferred into the account was kept in a joint account with fixed FDR. Learned counsel for petitioner referred to the judgment of **Supreme Court of India** in case titled **“Baijnath & Others Versus State of Madhya Pradesh”**, bearing **Criminal Appeal No. 1097 of 2016 (Arising out of S.L.P.(Crl.) No. 9718 of 2014) decided on 18.11.2016**, cited in **2016(4) RCR(Criminal) 896 : Law Finder Doc Id # 806374**, where in para Nos. 29 and 30 of that case, it was held as under :-

*“29. Patently thus, cruelty or harassment of the lady by her husband or his relative for or in connection with any demand for any property or valuable security as a demand for dowry or in connection therewith is the common constituent of both the offences.*

*30. The expression "dowry" is ordained to have the same meaning as in Section 2 of the Dowry Prohibition Act, 1961. The expression "cruelty", as explained, contains in its expanse, apart from the conduct of the tormentor, the consequences precipitated thereby qua the lady subjected thereto. Be that as it may, cruelty or harassment by the husband or any relative of his for or in connection with any demand of dowry to reiterate is the gravamen of the two offences.”*

Therefore, it is not a case of maltreatment on account of demand of dowry. Investigating Agency rightly came to the conclusion that victim was under depression which resulted into this unfortunate incident



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of committing suicide. Continuation of trial of petitioner for the offence under Section 498-A of IPC is gross misuse of process of criminal law. He has been wrongly entangled by the family of his wife. Therefore, petition may be allowed and aforesaid FIR No. 0028 dated 03.02.2023 (Annexure P-1) (supra) and subsequent proceedings arising thereon may kindly be quashed qua present petitioner.

5. Learned counsel representing State of Haryana filed status report confirming the factual position regarding registration of FIR No. 28 dated 03.02.2023 (Annexure P-1) (supra). Investigation was carried out. During investigation, photographs of place of occurrence were taken. Articles lying on the spot were sealed in a parcel and were taken into police possession. Inquest proceedings were prepared and dead body was sent for Postmortem examination. Rahul was joined in investigation and was arrested by the police. Statement of Account from SBI Main Branch, Rohtak was collected (Annexure R-2) and was taken into police possession. Treatment record of Savita was collected from Dr. Abhishek Chugh, according to which she was suffering from 'major depressive disorder'. There is bank record showing that Rahul used to deposit ₹12,500/- in the name of his daughter. Detail of said account is Annexure R-3. Bank record regarding transfer of money and preparing Fixed Deposit was also collected, which is Annexures R-4 and R-5. Leave record of petitioner was also collected as to when he had visited his parent's house. Handwritten record was also collected, which is Annexure R-8. After investigation, it was concluded that Savita had committed suicide on 03.02.2023 due to 'major depressive disorder'. Therefore, offence under



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Section 304-B/34 of IPC was deleted. Father-in-law and mother-in-law were found innocent. Challan was presented against Rahul under Section 498-A of IPC. During investigation, Regional Forensic Science Laboratory, Sunaria, Rohtak, Haryana was received, which is Annexure R-9 and opinion of doctor was taken by moving application on 29.02.2024, according to which cause of death of this case was Antemortem hanging and its complication. In status report, it is again submitted that supplementary challan will be presented in Court for judicial verdict as soon as possible.

6. Present petition is strongly opposed by learned counsel representing respondent No. 2. It is argued that local police has conducted investigation under pressure as petitioner is serving in Indian Army. Investigating Agency has illegally deleted the offence to favour petitioner. It was a clear cut case of offence punishable under Section 304-B of IPC. Investigating Agency hurriedly presented challan under Section 498-A of IPC, even before receiving report of RFSL. Now present petition has been filed to quash the FIR as well as challan presented under the provisions of Section 498-A of IPC. A young girl died unnatural death in matrimonial home. There are handwritten notes of victim which have been totally ignored. Learned counsel representing respondent No. 2 also referred to protest petition read with complaint under Section 200 Cr.P.C. (Annexure P-5), which is still pending. Learned counsel representing respondent No. 2 has also put reliance on the judgment of **Supreme Court of India** cited in **2025(2) ALT (Crl.) 55 : Law Finder Doc Id # 2716228**, case titled “**Aluri Venkata Ramana Versus Aluri Thirpuathi Rao & Ors.**”, bearing



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**Criminal Appeal No.(S) 5239 of 2024-25 (Arising from SLP(Crl.) No(S). 9243 of 2024), decided on 12.12.2024**, where in para No. 17 of the judgment, it was summed up as under :-

*“17. Therefore, upon careful examination of the relevant provisions of Section 498A IPC, the precedents cited, and the factual matrix of the case, it is apparent that the High Court's decision to quash the criminal proceedings against Accused Nos. 1 and 2 was flawed. Section 498A IPC recognizes two distinct forms of cruelty: one involving physical or mental harm in clause (a) and the other involving harassment linked to unlawful demands for property or valuable security in clause (b). These two provisions are to be read disjunctively, meaning that the presence of a dowry demand is not a prerequisite for establishing cruelty under the Section. The allegations made by the Appellant, which detail instances of physical abuse and harassment, fall within the scope of "cruelty" as defined under clause (a) of Section 498A IPC. The absence of an explicit dowry demand does not negate the applicability of the provision where acts of physical violence and mental distress have been demonstrated. The core of the offence under Section 498A IPC lies in the act of cruelty and does not purely revolve around the demand for dowry. Therefore, the High Court erred in quashing all criminal proceedings against Accused Nos. 1 and 2 and the trial ought to have been allowed to be carried out.”*

It is pointed out that facts of the case indicate serious allegations which can be adjudicated during trial. Medical record relied upon by petitioner can be considered at appropriate stage. At the time of marriage, victim was hail and hearty and she was well qualified lady. Victim faced mental cruelty, harassment in matrimonial home. Facts



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narrated in FIR were wrongly ignored by Investigating Agency. Therefore, petition preferred by petitioner deserves dismissal.

7. I have considered the arguments and have gone through the record carefully. Present petitioner Rahul alias Monty is husband of deceased victim, who has filed present petition seeking quashing of FIR No. 0028 dated 03.02.2023 for the offence punishable under Section 304-B/498-A/34 of IPC (offence under Section 304-B and 34 IPC deleted lateron) registered at Police Station Bahuakbarpur, District Rohtak (Annexure P-1). As per contents of aforesaid FIR, it is an admitted fact that petitioner got married with victim Savita on 22.01.2018. Petitioner is an Amry Officer, whereas, deceased victim was also well qualified M.Sc, B.Ed. Out of this wedlock, they were having a daughter age about two and a half years at the time of occurrence. It is further not disputed that after marriage present petitioner alongwith his wife stayed at the place of his posting and when petitioner was posted to a non-family station, victim alongwith her daughter came to Madina Rohtak and lived with her in-laws. In the case in hand, victim committed suicide on 03.02.2023 in matrimonial home. On this, present FIR has been registered on the written complaint of Rupender brother of deceased victim.

8. On the registration of FIR, investigation had started. As per status report filed by respondent No. 1, Investigating Officer visited the place of occurrence where Savita was found hanging in *Chobara*. Brother of deceased Rupender had reached on the spot. During investigation, photographs of place of occurrence were taken. Special Inspection Report was prepared by FSL Unit. Articles lying in room were sealed in a parcel



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and were taken into police possession, consisting of Gel pen, Lipstick, broken bangle pieces, Gillette Razor, Scissor, handwritten notes etc. Thereafter, inquest proceedings were prepared and body was sent for postmortem examination. Investigating Agency collected the statement of account from the bank, treatment record of victim from Dr. Abhishek Chugh and finally after investigation reached to the conclusion that no offence under Section 304-B/34 of IPC was made out nor according to Investigating Agency offence under Section 306 of IPC was made out. Both parents of petitioner were also found innocent and finally challan was presented against the petitioner under Section 498-A of IPC in the Court on 17.03.2023.

9. Learned counsel representing petitioner pointed out that even as per contents of FIR, no offence is made out under Section 498-A of IPC. There was no maltreatment in matrimonial home on account of demand of dowry. It is claimed that amount of Rs. 5 lacs given by parental family of deceased victim was kept in a joint FDR. In fact, deceased victim was suffering from depression, as a result, she took this grave step by committing suicide in matrimonial home. On the other hand, learned counsel representing respondent No. 2 vehemently pointed out that allegations detailed in FIR have been totally ignored. In fact, it is a case falling under Section 304-B of IPC. Investigation was hurriedly completed and challan was presented in the Court on 17.03.2023.

10. I have considered the stand taken by learned Senior counsel for petitioner as well as learned counsel for respondent No. 2. FIR is lodged on the statement of respondent No. 2 who is brother of deceased



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victim. In the said FIR, brother has levelled allegation of mental cruelty, indifferent attitude of husband towards his wife and humiliating her in the company of his friends and colleagues alongwith their demand and amount given by them as detailed in the FIR. It is not disputed that deceased victim was well educated girl having a small daughter. Even if treatment record of victim is considered, medical record of Chugh Neuro Mind Clinic (Annexure P-7) is dated 08.10.2022. Prior to this, there was no medical history of depression. This situation started after marriage which ultimately led to her unnatural death in matrimonial home. The handwritten notes of deceased victim cannot be brushed aside in a preliminary manner. Allegations and defence raised by petitioner can be looked into during the course of trial. Dissatisfied with presentation of challan, respondent No. 2 has also filed protest petition/complaint, which is Annexure P-5, which is still pending for adjudication. As per status report, challan was presented on 17.03.2023. Postmortem Report is Annexure R-1. Report of RFSL dated 17.03.2023 is Annexure R-9 and report of Regional Forensic Science Laboratory, Haryana, Sunaria Rohtak is dated 20.02.2024. After receiving said report, application was moved on 29.02.2024 seeking opinion of doctor regarding cause of death. Opinion of doctor is dated 01.03.2024. Therefore, I fully agree with arguments advanced by learned counsel for respondent No. 2 that challan was presented under the provisions of Section 498-A of IPC alone in a hurried manner on 17.03.2023, even before getting opinion of doctor regarding cause of death.

Considering the aforesaid factual position, I do not find a fit case for quashing of FIR No. 0028 dated 03.02.2023 (supra) (Annexure P-



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1) or subsequent proceedings thereon on merits, consequently, petition filed by petitioner Rahul @ Monty is, accordingly, dismissed.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

15.09.2025

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**(AMARJOT BHATTI)  
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No