

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : INDIAN PENAL CODE

WP(Crl) No.134/2006 & CM No.545/2006

Date of Decision : July 27, 2006

Smt. Jasbir Kaur

..... Petitioner

Through: Mr. Keshav Kaushik with
Ms. Chander Prabha and
Mr. Manish Biala, Advocates.

Versus

State (Govt. of NCT Delhi)
& Ors.

..... Respondents

Through: Ms. Mukta Gupta, Advocate.

S.N. AGGARWAL, J.(ORAL)

1. The petitioner was married to Sardar Satinder Singh according to Sikh rites on 28.11.2004. After marriage, there was a matrimonial discord between the couple on account of which the petitioner left her matrimonial home and filed a complaint of harassment and misappropriation of her dowry and istri dhan articles by her husband and other members of her in-laws family. Learned counsel for the petitioner says that the petitioner did not leave her matrimonial home of her own and according to him she was turned out of from her matrimonial home after giving beatings to her on 25.3.2005.

2. The grievance of the petitioner in this writ petition is that despite her complaint the police did not register a case under Section 406/498A/34 IPC against her husband and other members of her in-laws family.

3. In response to the notice of this writ petition, a status report has been filed by the respondents which reveals that a case under Section 406/498A/34 IPC has already been registered against the husband of the petitioner and other members of her in-laws family.

4. This addresses the first prayer made by the petitioner in the present writ petition.

5. The petitioner has also made other prayers in this writ petition which are to the following effect that this Court should abolish CAW Cells

and direct that as soon as the police receives any complaint of a cognizable offence, the same should be dealt with as per the provisions in the Code of Criminal Procedure 1973.

6. Learned counsel for the petitioner has relied upon the provisions contained in Article 15 of the Constitution of India and on the strength of the same, he has contended that there cannot be any discrimination in the matter of investigation on the ground of religion, race, caste, sex, place of birth or any of them.

7. The creation of CAW Cells for investigation of crime pertaining to women, in my opinion, does not cause any discrimination on the basis of sex for the CAW Cells have been constituted with a social purpose so that the crimes relating to women are dealt with sensitivity. CAW Cell is like any other specialized wing of the Delhi Police like Special Cell, Crime Branch, etc., where firstly an attempt is made to bring about unity between the two spouses so as to make the marriage a success. On the failure of these reconciliation attempts, the law is allowed to take its course. Thus no fault can be found with the creation of CAW Cells.

8. In *Mr. Raj Kumar Khanna v. The State (NCT of Delhi) and Ors.*; 2002 (1) JCC 327, the Division Bench of this Court has observed as under:-

“..... Police Headquarter framed the procedure to be followed by the C.A.W. Cell with the intention of preventing abuse of the process of law. But in this case police committed abuse of the process established by its Commissioner. No attempt was made to resolve the difference between Manoj Kumar and respondent No.5 nor efforts were made to bring about amicable settlement for which purpose Crime Against Women Cell was created. This cell is meant to safeguard the marriage and not to ruin it by registering case immediately on the asking of the complainant. Once an FIR is registered it becomes difficult to solve matrimonial tangles and things reaches such a pass that it cannot be restored back.....”

9. Upon consideration of all the facts and circumstances of the case, I am of the view that the prayer of the petitioner insofar as it relates to abolition of C.A.W. Cells is concerned, the same cannot be accepted.

10. In terms of the aforesaid order, this writ petition is disposed of.

Sd/-
S.N. AGGARWAL
(JUDGE)