



# The Indian Journal for Research in Law and Management

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## CASE COMMENTARIES

<sup>1</sup>Devanshu Saxena , B.A.L.L.B, Punjabi University Patiala, CLC Mohali

### ALOK BHARTI VS JYOTI RAJ

Miscellaneous Appeal No.205 of 2023

Alok Bharti

.... Appellant,

Versus

Jyoti Raj

....Respondent,

Date of Judgement- 18<sup>th</sup> December 2023

Bench- HONOURABLE MR. JUSTICE P. B. BAJANTHRI

And HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

### In The High Court of Judicature at Patna

#### Statues Referred

- *Indian Penal Code 1860 – 498A(Dowry Demand)*
- *Domestic Violence Act of 2005- Section 12, 18(d) (e) (f), 19 (f), 20 (i)*
- *Code of Criminal Procedure – Section 125 (Maintenance)*
- *Hindu Marriage Act of 1955 - 13(1)(i-b) (Desertion)*
- *Dowry Act, 1961 – Sections 3 & 4*
- *Marriage Laws (Amendment) Bill, 1976*

#### Brief Facts

The Appellant Husband and Respondent Wife were solemnised in their Marriage on dated 29.11.2012, according to Hindu Rites and ceremonies. The Appellant Husband was employed as a Junior Assistant in the State of Maharashtra Power Generation Company Limited. The respondent's wife had made a complaint against her husband before his employer for misconduct and taking Appropriate action against them and removing him from service. The respondent's wife has also made a serious allegation against her husband and his mother in a domestic violence Petition. They made a criminal complaint around in 2016 under Section 498A of the Indian Penal Code against her husband, parents, and others.

The family court did not agree with the husband taking the ground of cruelty as a sufficient ground and dismissed their appeal due to a lack of evidence submitted by the husband. They then appeal to the High Court. The appellant Advocate also provided the information that the wife was not willing to reside with their husband's home or the Matrimonial house. On the other side, the Respondent Advocate appreciated the family court decision.

### **Issues**

1. Was the Respondent made to make false allegations against her husband, and defamatory allegations were sufficient to prove mental cruelty to justify divorce?
2. Whether the Suit Was Maintainable?
3. Whether the wife's conduct, including filing a false case, constitutes cruelty?

### **Arguments by the Appellant**

The Appellant counsel argued that filing the false allegations and defamatory allegations against her husband and her family was baseless without any lawful justification and used as the weapon of law wrongfully and not having the sufficient Evidence Just targeting to harass the husband and made the Complaint to the police to made a Forcefully illicit relation with her father in law which deeply Humiliated the husband reputation, such types of statement was frivolous and defamatory to lower the reputation of the Appellant family in society. The Appellant is facing character assassination, Humiliation, and embarrassment in the workplace and in his family circle.

The counsel stated that the wife left the matrimonial home around 2016 and never returned without any justification or reasonable cause. The wife refused to stay with their husband at home for about 8 long years, which shows her intention to permanently end cohabitation. The

Counsel Relied on the Supreme Court Pronouncement in the case of<sup>2</sup> K. Srinivas Rao vs D.A. Deepa.

The wife had made no attempt to continue their marriage and not cohabited with her husband, which made a serious ground of mental cruelty and divorce.

### **Arguments by the Respondent**

The respondent's counsel argued and denied all the complaints made by the husband and asserted that the allegations made by the wife were actual suffering and abuse by the husband and their family. She also justified that the allegations of Section 498A of the IPC were true and genuine.

The respondent's counsel further stated that due to continuous harassment and domestic cruelty by her husband were a reason to live separately, alleging that the husband forced dowry demands and ill-treated her when she failed to meet the demand.

She stated that the husband was unsupportive and did not even communicate over time and escape from their responsibilities to give maintenance to their wife, and she opposed the divorce petition.

### **Judgment**

In this case, the Patna High Court held that the wife's complaints and their statements recorded in the police report were not justified and sufficient. It is a matter of serious concern when the wife uses the law and takes protection, even filing a false case. The court stated that the malicious complaints filing of frivolous complaints amounts to mental cruelty and is a ground for divorce. The husband claims that the evidence provided was sufficient and genuine, while the wife failed to prove their claims and misused the law. The court allows the decree of divorce filed by the husband. The Amount of 10 lakh rupees shall be deposited into the wife in the name of interim alimony.

### **Conclusion**

The Patna High Court concluded that the wife's false, scandalous, defamatory allegations against her husband were a clear example of abuse of process of law without any sufficient evidence, it amounts to mental cruelty and divorce it is concern of serious mental agony, damaged the dignity and reputation of the husband and his family. The **irretrievable**

**breakdown of marriage** was evident from the **over 8 years of separation** with no real effort at reconciliation. **The High Court allowed the husband's appeal, set aside the Family Court's earlier decision, and granted a decree of divorce under Section 13(1)(i-a) of the Hindu Marriage Act** on the ground of **mental cruelty**

### **Personal Take on the Judgement**

The Judgment delivered by the Patna High Court was both legally sound and socially significant. The court has defined that section 498A of the IPC was greatly misused in modern-day times. The wife's obscene and baseless allegations only lowered the reputation of their husband and his family, as well as in society. **Mental cruelty is not limited to cohabitation or physical harm.** Forcing two people to remain in a toxic or dead marriage serves no legal or moral purpose. The judgment reflects a **realistic view of Modern Matrimonial relationships.**

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<sup>2</sup> *ShadesOfKnife (2021) K.Srinivas Rao vs D.A.Deepa on 22 February, 2013, Shades of Knife. Available at: <https://www.shadesofknife.in/lmj-k-srinivas-rao-vs-d-a-deepa-on-22-february-2013/> (Accessed: 06 July 2025).*

<sup>3</sup> *Alok Bharti vs. Jyoti Raj REGENT COMPUTRONICS PVT. LTD. Available at: <https://www.the-laws.com/Encyclopedia/browse/Case?caseId=713202176000&title=alok-bharti-vs-jyoti-raj> (Accessed: 06 July 2025).*

<sup>4</sup> *Alok Bharti vs Jyoti Raj on 18 December 2023. Available at: <https://indiankanoon.org/doc/78972338/> (Accessed: 06 July 2025).*

<sup>5</sup> *Alok Bharti v. Jyoti Raj, Mat. Appeal (Civil) No. 231 of 2022, Patna High Court (Dec. 18, 2023), available at <https://casemine.com/judgement/in>*

<sup>6</sup> *Indianemployees.com Parveen Mehta vs. Inderjit Mehta, Indian Employees. Available at: <https://www.indianemployees.com/judgments/details/parveen-mehta-vs-inderjit-mehta> (Accessed: 06 July 2025).*

<sup>7</sup> *I am profoundly grateful to my mentor for his unwavering guidance and support throughout the course of my Research internship. Legal Intern, Office of Advocate Chetan Rai Thaman*

*& Bakshish Singh - Mentor & Supervisor at District & Session Court, SAS Nagar Mohali, Punjab.*