

मुख्यालय पुलिस महानिदेशक उत्तर प्रदेश।

1-तिलक मार्ग लखनऊ।

परिपत्र संख्या- **35** /2017

दिनांक: **सितम्बर** लखनऊ 16-9-2017

सेवा में,

**समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक,
प्रभारी जनपद, उत्तर प्रदेश।**

किमिनल अपील संख्या-1265/2017, राजेश शर्मा व अन्य बनाम उ०प्र० सरकार व अन्य में मा० सर्वोच्च न्यायालय के निर्णय दिनांकित 27.07.2017 द्वारा धारा 498क भा०द०सं० के दुरुपयोग रोकने हेतु निम्न दिशा निर्देश निर्गत किये गये हैं:-


Thus, after careful consideration of the whole issue, we consider it fit to give following directions:-

- i)(a) **In every district one or more Family Welfare Committees be constituted by the District Legal Services Authorities preferably comprising of three members. The constitution and working of such committees may be reviewed from time to time and at least once in a year by the District and Sessions Judge of the district who is also the Chairman of the District Legal Services Authority.**
- (b) **The Committees may be constituted out of para legal volunteers/social workers/retired persons/wives of working officers/other citizens who may be found suitable and willing.**
- (c) **The Committee members will not be called as witnesses.**
- (d) **Every complaint under Section 498A received by the police or the Magistrate be referred to and looked into by such committee. Such committee may have interaction with the parties personally or by means of telephone or any other mode of communication including electronic communication.**
- (e) **Report of such committee be given to the Authority by whom the complaint is referred to it latest within one month from the date of receipt of complaint.**
- (f) **The committee may give its brief report about the factual aspects and its opinion in the matter.**
- (g) **Till report of the committee is received, no arrest should normally be effected.**
- (h) **The report may be then considered by the Investigating Officer or the Magistrate on its own merit.**
- (i) **Members of the committee may be given such basic minimum training as may be considered necessary by the Legal Services Authority from time to time.**
- (j) **The Members of the committee may be given such honorarium as may be considered viable.**
- (k) **It will be open to the District and Sessions Judge to utilize the cost fund wherever considered necessary and proper.**
- ii) **Complaints under Section 498A and other connected offences may be investigated only by a designated Investigating Officer of the area. Such designations may be made within one month from today. Such designated officer may be required to undergo training for such duration (not less than one week) as may be considered appropriate. The training may be completed within four months from today;**
- iii) **In cases where a settlement is reached, it will be open to the District and Sessions Judge or any other senior Judicial Officer nominated by him in the district to dispose of the proceedings including closing of the criminal case if dispute primarily relates to matrimonial discord;**
- iv) **If a bail application is filed with at least one clear days notice to the Public Prosecutor/complainant, the same may be decided as far as possible on the same day. Recovery of disputed dowry items may not by itself be a ground for denial of bail if maintenance or other rights of wife/minor children can otherwise be protected. Needless to say that in dealing with bail matters, individual roles, prima facie truth of the**

objections, requirements of arrest/ custody and interests of justice must be carefully weighed;

- v) In respect of persons ordinarily residing out of India impounding of passports or issuance of Red Corner Notice should not be a routine;
- vi) It will be open to the District Judge or a designated senior judicial officer nominated by the District Judge to club all connected cases between the parties arising out of matrimonial disputes so that a holistic view is taken by the Court to whom all such cases are entrusted; and
- vii) Personal appearance of all family members and particularly outstation members may not be required and the trial court ought to grant exemption from personal appearance or permit appearance by video conferencing without adversely affecting progress of the trial.
- viii) These directions will not apply to the offences involving tangible physical injuries or death.

अतः आपसे अपेक्षा की जाती है कि मा0 सर्वोच्च न्यायालय द्वारा दिये गये निर्देशों का कड़ाई से अनुपालन सुनिश्चित किया जाय।


(सुलखान सिंह)

पुलिस महानिदेशक,

उत्तर प्रदेश।

प्रतिलिपि निम्नलिखित को इस निर्देश के साथ कि उपरोक्त निर्देशों का नियमित अनुश्रवण कराना सुनिश्चित करें:-

- 1-समस्त जोनल अपर पुलिस महानिदेशक/पुलिस महानिरीक्षक, उत्तर प्रदेश।
- 2-समस्त परिक्षेत्रीय पुलिस महानिरीक्षक/उपमहानिरीक्षक, उत्तर प्रदेश।