CHAPTER 5

CASE STUDIES OF HONOUR KILLING OF DIFFERENT STATES OF INDIA

“Crime is simply a convenient monosyllable which we apply to what happens when the brain and the heart come into conflict and the brain is defeated”-Arnold Bennett.

5.1 Introduction

The frequency of Honour killings is assumed to upsurge in situations of economic crisis or conflict, or where traditional patriarchal values are under peril as for example when minority communities where Honour killings are endured come into connection with conventional societies which do not share the same views of suitable gender roles. A woman in an immigrant community who is vulnerable to Honour killing by her family is usually differentiated against not only on the basis of gender but may also meet further ethnic, racial and gender prejudice if she seeks help from the police or other legal authorities. Although it is exceptionally challenging to obtain significant statistical information on the numbers of Honour killings which take place on yearly basis in any particular society. Globally it has been estimated that 5,000 girls and women are killed every year by male family members for the sake of Honour. In the region of Punjab which includes the India-Pakistan border, the number of Honour killings committed within both Muslim and Hindu communities in 1998 and 1999 was appraised at 888 each year by one source whilst another gave a figure for 1999 of 278. Honour killing self-evidently interrupts the right to life of the individual victim, a right which is regarded as the most fundamental of all rights and
which is enshrined in all major human rights instruments, not least in the Universal Declaration of Human Rights (UDHR, 1948).

Reported cases of “Honour Killing” are welcomed with expressions of disgrace which at the same time as comprehensible and do not deliver a sound base for addressing this sociologically foreseeable sensation. An Honour killing of a woman by a male relative is not a distinct act of violence, but one which is combined, premeditated and socially authorized by both men and women in the family and community concerned. Responses in terms of condemnation of male violence and the provision of shelter for vulnerable women are neither satisfactory nor operative. Honour killing can be comprehended as one of a range of vehement and non-violent expressions of woman’s commoditization in patriarchal, honour-based societies. An alternative to Honour killing is Honour suicide whereby members of the family force the perceived wrongdoer to take her own life. Amongst other violent manifestations of patriarchal power over women is Female Genital Mutilation (FGM) sometimes known as female circumcision; the practice of Sati or widow-burning, and acid-attacks or other methods of mutilating and plundering the professed criminal. Forced virginity testing and female foeticide also falls into this classification of ferocious acts against women which are distinctive of strongly male-controlled societies. Amongst the non-violent indexes, there are many customary practices such as dowry or bride price during the time of marriage where brides are exchanged in lieu of price. In some cases, widows are forced to marry the dead husband’s brother to preserve the hierarchy of family and to continue with the family practice. As it is accustomed due to customary practices women are considered as a source of Honour in her family and the main quintessence of preserving the same. So whenever a family is dishonoured for any reason a
question is always raised against a woman though she had no such direct association in the same.

Till date, there is no legal definition of Honour Killing. In general sense, it is known as the homicide of a member or family or social group by other members of the family due to the belief of the murderers that the victim has brought disgrace or indignity upon the relations or neighbourhood. So the murder comes under the general categories of homicide or manslaughter. In maximum cases, it is impossible to point a culprit as it was carried out by the mob to abolish evidence. The assortment of evidence becomes fiddly and eyewitnesses are never approaching. BBC Poll in 2006 for Asian Network in the United Kingdom found that hardly 10% people are in optimistic thinking for overlooking the killing of someone who dishonoured their family. In one word, Honour Killing can be termed as a ‘powerful maltreatment’ or ‘powerful persecution’.

Honour Killing is an extreme and brutal abuse of human rights violating the most basic human rights that is right to life. The Constitution of India which is considered as the supreme and utmost legislation also guarantees certain Fundamental rights such as, Article 14 guarantees equality before law and equal protection of law, Article 19 states freedom of speech and expression, Article 21 states about right to life, liberty and security, Article 25 freedom of religion and so on. The prime document Constitution of India has openly allowed all these freedoms for the citizens of India. Apart from India, marriage is considered as a religious practice and each religion has its own traditional practice and ideals and is sanctioned by their own personal laws.

India is having a written Constitution which is a supreme and permanent document. Under Article 141 of the Constitution, the law declared by the Supreme Court is
binding on all other Courts. There are three organs of the Government they are, Executive, Legislature and Judiciary. The roles of three organs of the Government are very pivotal in running Indian legal system. They are dependent on each other for the smooth functioning of the legal process. There are different national and International legislations to control any crime but still, lack of accurate implementation of the same enables the Judiciary to face floodgates of litigation without any limit. Till date, there is no fixed or comprehensive legislation to deal with ‘Honour Killing’. It is shocking to note that when there is an extensive cases of Honour Killing occurring in the country there is no legal precaution to tackle the situation and to penalize the wrongdoers. The role of Indian Judiciary in protecting the rights of individuals by its various effective judgments is immense. To enforce Fundamental Rights and to implement Directive Principles of State Policy role of Judiciary is significant. As an independent and impartial Judiciary it is the very support of democracy. Judiciary is the main pillar of democracy. Social security is required to boost up confidence amongst citizens of the nation as the main motto of Judiciary is to attain the highest end without being prejudiced. Judiciary is the protector of the rights of the persons guarding these rights against traditional and customary violence. Citizen of a country eagerly waits for the right decision of judiciary in protecting their rights. The very progress of a country depends on the well-developed judiciary.

5.2 Detailed Case Studies

5.2.1 Case No.1

The Supreme Court of India characterized the practice of Honour Killing as “An act of barbarism” in a landmark case -
“As several instances are coming of harassment, threats and violence against young men and women who marry outside their caste it is necessary to make some general comments on the matter. The nation is passing through a crucial transitional period in our history and the Court cannot remain silent in matters of great public concern, such as the present one.”

From the lines of the judgment, it is implicit that the highest Court of India is also against these disgraceful and brutal acts of murder committed by outdated minded persons who deserve punishment.

The Supreme Court also said which is very substantial to note in this context “the caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly”. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news is coming from several parts of the country that young men and women, who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. Such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with their son or daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste

or inter-religious marriage. The Supreme Court therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to charge by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law. The cases of “Honour killing” in maximum incidents happens who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honourable in such killings, and in fact, they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way it is possible to stamp out such acts of barbarism.

The fact of the case is a young woman namely Lata Gupta alias Lata Singh aged 27 years who started living with her brother at Lucknow after the demise of her parents. She left her brother’s house and got married at Arya Samaj Mandir to Bramhanand Gupta a businessman in Delhi and a child was born out of this wedlock. Her brother lodged a missing complaint and Bramhanand Gupta and his two sisters, husband of one sister and son were arrested. Brothers of the lady became outrageous as their sister has done inter-caste marriages. They went to the paternal residence of their sister and intensely beat up her in-laws, locked one of his brother in law and threw all their furniture, luggages, etc. They even cut the crops of the land and took forcible possession of the land and the shop of their sister’s husband. The three brothers constantly threatened the family of their sister’s husband and were fixed to the complaint that their sister was kidnapped. The lives of the relatives of Lata Singh’s
husband were ruined as they were not allowed any bail. Lata Singh approached Rajasthan Women Commission, Jaipur. The President of the Commission wrote a letter to the National Human Rights Commission to intrude in the matter after recording the statement of Lata Singh. Several hurdles Lata Singh has to cross to prove her marriage happened voluntarily without any pressure. She was denoted mentally unfit as she has given a clear statement in favour of her husband. Lastly, bail was allowed and the matter resolved by long prolongation and struggles.

Figure VIII Location of Rohtak City in India Map 150

5.2.2 Case No.2

In an, another landmark case Manoj v. Babli151

Manoj and Babli, the newly-married couple, was murdered by the girl's family in 2007. The couple escaped from Karoda village in Kaithal district of Haryana. Babli's

151 Manoj v. Babli Criminal Revision No.2173 of 2010 C.
family members were dominant people and enjoyed the patronage of the Khap Panchayat. But Manoj's mother Chandepati was raised against all the probabilities and waged a legal encounter to get justice for her son and daughter-in-law. As a result, in March 2010, a Karnal district court granted death penalty to the five criminals, first time an Indian court had done so in an Honour Killing case. The Khap leader, who ordered and coordinated the killings but did not take part in the killings, was awarded a life sentence. The determination convoluted in the abduction got a seven-year prison term. Villagers threatened Manoj's mother Chanderpati to exclude her with her two daughters and son. But, impervious in her decision, she sustained her combat to get justice. Manoj had lost his father at an early age and established a deep affection with his mother. Manoj, after eloping with Babli, kept his mother and sister informed about their happiness. Girl's family was not informed as they could cause serious danger to the life of Manoj and Babli. The couple called their family and informed that they had married on 7th April,2007 and also shared their marriage ceremony photographs. Babli's family lodged an FIR with the Kaithal police after the couple eloped. Babli's family accused Manoj and his family of kidnapping their daughter.

On May 31, 2007, Manoj and Babli approached the court and sought protection. They furnished their age proof certificate and testified in the court that they had married at their own will.

In the month of June, Babli called his mother-in-law and informed her that they were being chased on way to Chandigarh. She further told her that they were made to de-board the bus by police after Babli saw two of her relatives on the bus. She was scared and nobody heard about the couple after that. Manoj’s family lodged a complaint. But no steps were taken.
Family members of Manoj made enquiry on their own. The conductor of the bus told them that the couple was made to de-board the bus. They were compressed and then taken away in a Scorpio car. Despite narrating all the information to the police, no action was taken. On June 23, 2007 two mutilated bodies were found from Barwala branch canal in Hissar. Investigations were carried out which revealed shocking details. The couple was first asked to accept each other as brother and sister. When they refused, they were forcefully fed with pesticides. Manoj resisted, so he was strangled to death. After the murder, the bodies were thrown into the canal. After the arrest of the driver of the car in a Scorpio, all other culprits were arrested.

5.2.3 Case No.3

Maya Kaur, Baldev Singh Sardar and Anr v. The State of Maharashtra

Rajvinder Kaur, the youngest daughter of Maya Kaur and Baldev Singh Sardar was residing on the outskirts of Mumbai at Panvel city. During the continuation of studies Rajvinder fell in love with Rajvinder Singh, a boy belonging to lower caste and financially weak familial background and gradually they capped a secret love marriage without their family consent. When Rajvinder’s parents started arranging her marriage she disclosed the fact to her parents but they disagreed to her marriage and reacted with severe aggression as the boy was not apt for their family. Rajvinder in this critical situation eloped with her husband but she received repeated threats from her family for the same. Her mother and maternal aunt demanded the ornaments she had been wearing during escape but Rajvinder told that they can collect in presence of Police in Police station as already she had lodged a complaint about harassing them.

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On 30th May, 1999 Rajvinder’s mother and maternal aunt came to meet her she handed over the ornaments to them. They informed Rajvinder that their maternal uncle is waiting downstairs. Rajvinder’s mother in law told her to call them upstairs. In the meanwhile, when Rajvinder went out to her balcony she found few persons carrying weapons in hand and waiting outside. Rajvinder’s mother in law noticed about the presence of some strangers outside and she alarmed to inform some of their neighbours immediately but was shot by the family members of Rajvinder. Rajvinder saw her family members carrying weapons and entering the house. She shouted for help but somebody entered in the balcony and pushed her brutally, as a result, she sustained severe injuries. Rajvinder, grievously hurt went crawling into the house of her neighbour and informed them about the dangerous incident on the basis of which they called the police. The police reached the spot after some time and found Rajvinder, Rajvinder Singh’s husband; her brother in laws and in-laws were killed. A formal FIR was registered under sections 302,307,120-B, 34 and 392 of Cr. P.C and the Trial Court announced death penalty to four accused other two to life imprisonment. Kuldip Singh (a close relative of Maya Kaur) and Baldev Singh (father of Rajvinder) were however acquitted.

5.2.4 Case No.4

_Bhagwan Dass v. State (NCT) Of Delhi_,153

This is another leading case of Honour Killing. Here the appellant Bhagwan Dass was furious with his daughter Seema who deserted her husband Raju and came to stay in her father’s house having an illicit relationship with her Uncle Srinivas. This illegal relationship was dishonouring to his family and in that notion, the appellant

153_BhagwanDass v. State (NCT) Of Delhi, Criminal Appeal No.1117 (2011)._
strangled her daughter with an electric wire. The trial court sentenced the appellant and this judgment was upheld by the High Court. On getting the telephonic information at about 2.00 pm from some unidentified person, the police reached the house of the accused and found the dead body of Seema on the floor in the back side room of the house. The accused and his family members and some neighbours were there at that time. The accused disclosed that although Seema had been married about three years ago, she had left her husband and was living in her father's house for about a month. Thus there was both intention and occasion for the appellant to commit the murder on the ground of protecting and preserving family honour.

5.2.5 Case No.5

Ram Sahai Verma v. State of M.P. And Others Court: Madhya Pradesh High Court

A petition filed under article 226 of the Constitution of India in the matter of ‘Honour Killing of a Lady’ which took place in the village Lahar of the Police Station Dimni of Morena district, Madhya Pradesh. The facts, as stated in petition were, that a news was flashed in the Daily local Newspaper “Dainik Bhaskar” circulated on 20th October, 2011 that in village Lahar of Police Station Dimni of Morena district of Madhya Pradesh one lady who was in love with the person of a different caste was killed brutally. On the day of the incident, the villagers gathered near the temple where both husband and wife was summoned in the presence of all the villagers. They did so as the couple solemnized inter-caste marriage. Thereafter, in the presence of the gathered persons including the husband and wife, brother of the girl hanged her on the tree and beat her badly by sticks. Thereafter, the villagers poured kerosene on her body and set her ablaze. As she was subsisted, the offenders prepared the fire and put

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the victim on fire and kept her on fire till her death. This ferocious occurrence took place before the public of the village. After the incident, nobody came forward to update the police and to set in motion the police authorities for legal actions against the wrongdoers of the incident. The petitioner in the interest of the public at large particularly for the safety of women residing in the remote villages of the State against the Honour Killing demanded that appropriate directions be issued in the given case and for prevention of brutal incident of Honour killing of the women of the State in future.

5.2.6 Case No.6

_Arumugam Servai v. The State of TamilNadu_ 155

In this case, there was an argument between the appellants and the complainants Panneerselvam and Mahamani in a Temple Festival regarding the process of tying bullocks in the Jallikattu. The appellant Arumugam Servai then outraged Panneerselvam by saying "you are a pallapayal and eating deadly cow beef". To call a person as a ‘pallapayal’ in Tamil Nadu is even more abusive, and hence it is grave as a crime. When Mahamani intervened he was attacked by Panneerselvam, the accused with sticks, and he sustained fracture on his head, on which there was a shredded wound. The accused belonged to the ‘servai’ caste which is a backward caste, whereas the complainants belonged to the ‘pallan’ caste which is a Scheduled Caste in Tamilnadu. Apart from the two injured eye-witnesses, there are three other eye-witnesses to the incidence. The doctor has affirmed to the injuries. The head fracture on Mahamani specifies the fatal intent of the accused.

155 _Arumugam Servai v. The State of Tamil Nadu_ on 19 April 2011 CRIMINAL APPEAL NO.958 of 2011.
The word ‘pallan’ denotes a specific caste, but it is also a word used in a deprecating sense to insult someone just as in North India the word ‘chamar’ denotes a specific caste, but it is also used in a disparaging sense to abuse someone. Even calling a person a ‘pallan’, if used with a determination to insult a member of the Scheduled Caste, is an offence under Section 3(1) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989.

The caste system is a blasphemy on the nation and the sooner it is demolished the better. In fact, it is separating the nation at a time when we have to be unified to face the encounters before the nation unitedly. Hence, inter-caste marriages are in fact more enviable in the nationwide interest as they will affect in abolishing the caste system. However, worrying news is coming from numerous parts of the country that young men and women, who undergo inter-caste marriage, are endangered with violence, or vehemence is actually deplorable for the nation. Such acts of ferocity or terrorizations or annoyance are wholly unlawful and those who commit them must be severely reprimanded. India is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not support of such inter-caste or inter-religious marriage the maximum they can do is that they can stop maintaining social relations with their son or daughter, but they cannot give pressures or commit or prompt acts of violence and cannot hassle the person who endures such inter-caste or inter-religious marriage.

An instance of Honour Killing in Tamilnadu is given below to detect how this crime is spreading like a malady.
Tamilnadu has viewed eighty one incidents of Honour Killings with the frightening murder of Dalit youth Shankar in Udumalpet in neighbouring Tirupur district being the latest. Sankar, a Dalit, and 19-year-old Kausalya had married after meeting in college. Kausalya's family, which belongs to the controlling and governing Thevar caste, had disclaimed to accept the marriage and had purportedly threatened the couple several times. Kausalya is being treated for head injuries. Her father Chinnasamy capitulated but appealed he had no role in the killing and that he twisted himself because the police were looking for him. Sankar was cremated at his hometown Udumalpet under tight security after protests and clashes. A large number of people had surrounded the van carrying Sankar's body, refusing to allow the cremation unless the killers were arrested. The police had to use power and assurances to persuade the protesters to let go of the body. The Dalit youth Shankar was confronted with knives and sickle by a mob of five men in full public view near the crowded Udumalpet bus terminus on Sunday afternoon for marrying a Hindu caste girl Kausalya from Palani challenging obstruction by her parents. Of the eighty one incidents of Honour Killings, eighty percent of victims are women and twenty percent are men. “Though honour killings are upsurging, not a single case has ended up in a sentence in the state as family members are involved in such murders,” said A. Kathir, Managing Director of the NGO, he also mentioned ‘Evidence is deficient as the family members are involved’.

Another incident of honour killing where a 21-year-old pregnant woman was ostensibly slaughtered by her family members for having married a boy outside her

community. The police clearly said it is a case of “honour killing.” The horrible killing at Om Sakthi Nagar came to light on when the District Police impelled an investigation of the whereabouts of the woman on the orders of the Madurai Bench of Madras High Court on a habeas corpus petition filed by the husband R. Suresh Kumar. The Court ordered the police on March 21, to bring the woman (five months pregnant) before the court, but an investigation by the police revealed that the girl was murdered by her family members — her mother, brother and three maternal uncles — on the night of March 17, 2012. On Sunday, the police disentombed the decomposed body and found buried on the Vaigai riverbed at Kuyavankudi and arrested R. Venkateswari and R. Vimal Raj mother and brother of the deceased and two of her maternal uncles, Janakiraman and Bagyarajon on the charges of murder, after recording a case.157

Another case where the husband Suresh said, he had handed over his wife to her mother Venkateswari at Veerapandi temple in Theni on March 16, 2014 with a promise that she will send back her daughter within two days. Her wife’s two aunts were also present on that day. The woman’s family, who discourage to her marriage with Suresh Kumar belonging to another community, induced her to return home for a patch-up after the couple had gone to Nedukandam in Kerala in last September. Suresh kept continuous communication with his wife, but her mobile was switched off after he last spoke to her at 9.30 pm on March 17, 2014. As he was aware of the danger to his wife’s life, he immediately moved the Court on March 20, 2014. But with his utter surprise he was informed that his wife was dead. Suresh also purported that maternal uncles of his wife had robbed his room in Madurai and destroyed all his certificates.

The family members shaded the treachery and involved the anti-social elements to implement the murder, the SP of the district said, adding Azhagarsamy, another maternal uncle of the woman, was escaping.

**5.2.7 Case No.7**

*Shiv Kumar Gupta Allias Raju v. State of UP and Ors* 158

Rani Gupta moved the court demanding her father was compelling her to marry a boy she disliked. Of her own free will, she married a person but her family members refused to accept the same. Her family members brought a case of abduction against Rani’s husband. The Court accepted that she was a major and she was given the chance to express her free will. The court ordered bail to her husband affirming that the personal liberty of Rani Gupta should not be interfered with as it is one of the vital Constitutional rights of everybody.

**5.2.8 Case No.8**

*S.Sengkodi v. State of Tamil Nadu* WP.No.30531 of 2012 159

In the present case, the parents of the girl and the boy wanting an inter-caste marriage and was willing for the preparation, but it is strangers who created a tensed atmosphere, where Katta Panchayat’s interference severely turned into the purpose is to separate them. The girl and the boy did not condescend. This resulted in the girl's father committing suicide (the girl was from the higher caste). It was informed that the boy also died under secretive circumstance. The girl is stated to be now living with her mother. A severe demanding agitation took place resulting in damage to a

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159 *Editorial, “Dalit houses torched, caste violence in Dharmapuri” The Times of India, Nov. 8, 2012.*
large amount of property 326 houses is stated to have been burnt down in three villages. It resulted into complete collapse of administration.

Recent years role of ‘Khap Panchayats’(known as Katta Panchayats in Tamil Nadu) which often order or boost Honour Killings or other massacres in an entrenched way on boys and girls of different castes and religion, who wish to get married or have been married, or obstruct with the personal lives of people. They are the main supporters of Honour Killing and encourage it in a great expansion.

5.2.9 Case No.9

_Nirupama Pathak murder of 2010_\(^{160}\)

In May 2010, Nirupama Pathak, who was working as a journalist with a business daily in Delhi, was killed by her family in Jharkhand because she was in a relationship with a man from an inferior caste.

According to the PTI Report, Nirupama was courting Priyabhanshu Ranjan a colleague and friend from her Indian Institute of Mass Communication in New Delhi and had intended to marry him in an Arya Samaj Mandir.

Nirupama was found dead on 29th April, 2010 in her parents' home in Tilaya in Koderma district in Jharkhand under cryptic situations. Her family then filed a case of rape and abetment to suicide against Priyabhanshu which was later found to be deceitful.

Priyabhanshu's father Ramashankar Kanth had told PTI then, "My son is not guilty. He is no way tangled in the case. My son had intimated me on the day Nirupama died

\(^{160}\)Editorial, “Mother held for Delhi Journalist Murder” _The Indian Express_, May 4, 2010.
that he received an SMS from Nirupama that her mother, father and brother have locked her in a bathroom at their house."

While her mother called it a case of suicide, a post-mortem publicized that the journalist was throttled to death and that she was 10-12 weeks pregnant at the time of her murder. Nirupama's mother was detained but later the court set her free as the police found a suicide note signed by Nirupama.

5.2.10 Case No.10

In Re v. Indian Woman Says Gang Raped On Supreme Court of India Date: 28 March 2014

This case based on the news published in the Business and Financial News dated 23.01.2014 relating to the gang-rape of a 20 year old woman of Subalpur Village, P.S. Labpur, District Birbhum, State of West Bengal on the superseding night of 21.01.2014 on the orders of community panchayat as punishment for having relationship with a man from a different community, took suo motu action and directed the District Judge, Birbhum District, West Bengal to review the place of incident and submit a report to this Court within a period of one week from that date.

The Chief Judicial Magistrate inspected the place in question and submitted a Report to this Court. However, this Court, on 31.01.2014, after noticing that there was no information in the Report as to the steps taken by the police against the persons concerned, directed the Chief Secretary, West Bengal to submit a detailed report in this concern within a period of two weeks. On the same day, Mr. Sidharth Luthra,

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learned Additional Solicitor General was pleased to assist the Court as amicus in the matter.

Certain pertinent issues relating to the investigation were elevated by learned amicus. Primarily, Mr. Luthra specified that although the FIR has been done by one Anirban Mondal, a resident of Labpur, Birbhum District, West Bengal, there is no cause as to how Anirban Mondal came to the Police Station and there is also no explanation for his presence there. Further, he pressurized on the point that section 154 of the Criminal Procedure Code requires such FIR to be recorded by a woman police officer or a woman officer and, in addition, as per the latest amendment dated 03.02.2013; a woman officer should record the statements under Section 161 of the Criminal Procedure Code. While stressing the relevant provisions, he also submitted that there was no juncture for Deputy Superintendent of Police to re-record the statements. He pointed out that mobile particulars have not been acquired. He also brought to our notice that if the Salishi (meeting) is significant to a village, then the presence of persons of neighbouring villages i.e., Bikramur and Rajarampur is not elucidated. Moreover, he succumbed that there is a discrepancy in the version of the FIR and the Report of the Judicial Officer as to the holding of the meeting (Salishi) on the point whether it was held in the night of 20.01.2014 as per the FIR or the next morning as per the Judicial Officer’s report. Ferocity against women is a repetitive crime across the domain and India is not an exception in this regard.
5.2.11 Case No.11


The petitioners state that when both Deepak and Amanpreet made an effort to enter the court premises their parents along with other musclemen, who were present outside the court, thwarted them and they were stopped to enter. Mr. Sandeep Arora has relied upon Annexure P-1 (Matriculation Certificate of Deepak), wherein it has been stated that he was born on 6th January, 1986. Therefore, he is aged more than 21 years. Amanpreet has also relied upon a certificate issued by Indian School Certificate Examinations, New Delhi, wherein her date of birth is mentioned as 18th September 1989. Thus, she is about 19 years. They have also relied upon photographs which show that they have been legally married.

5.2.12 Case No.12

_Kundan Lal v. State Of UP_163

This bail application has proceeded on behalf of the applicant Kundan Lal, who is accused under sections 302, 201, 120-B, IPC, at P.S. Kadar Chowk, District Budaun.

As per the prosecution case, a headless dead body of a woman was found insincere in a pit by the informer Rakesh on 31.5.2010. He informed police about the incident on 18.6.2010 the above mentioned Yad Ram progressed an application before the Station

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Officer of P.S. Kadar Chowk, Budaun that he was an affair with Pooja, but all of her family members were against this marriage. They were highly furious with Pooja and as a consequence, she was sent by her parents to Ramzanpur, the village of co-accused Surjan. Yad Ram had further informed the police that on 22.5.2010 though Pooja was sent to Ramzanpur yet the applicant and his family members were spreading in the village that Yad Ram had seduced and eloped with Pooja with the help of his family members. Yad Ram further specified in the application that he came to know through the newspapers that a headless body of a woman was found in the limits of village Ramzanpur. Thereafter the police showed Yad Ram the clothes and ring of the deceased which were recognized by him. Yad Ram had also declared in his application that the applicant had covered a treachery to kill his daughter Pooja and the wife and his relative Surjan were complicated in it and with the assistance of the co-accused Pappu the poor girl was killed. Learned AGA clearly indicated that it is a case of 'Honour Killing' in which a brother had killed his real sister and her paramour.

In a recent judgment the Apex Court has said that 'Honour Killings' should be categorized in rare of the rarest cases and the convict should be sent to gallows. This indicates how the Apex Court is serious and stern in dealing with such matters.

5.2.13 Case No.13

Rajinder Kumar Sharma v. State of Punjab Punjab and Haryana High Court.

A Telegram sent by Rajinder Kumar Sharma to Hon'ble Chief Justice of this Court has been registered as an instant criminal writ petition and noted on the judicial side.

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165 Rajinder Kumar Sharma v. State of Punjab, Punjab and Haryana High Court CWP No.15660 of 2017 (O&M) available at https://www.casemine.com
It is suspected in the telegram that petitioner's son Pardeep Kumar is in the unlawful custody of Police Station, Jaito since 24.07.2011 at 04:00 P.M. and police officials are distressing him using third degree methods. It is assumed that it may turn out to be a case of ‘Honour Killing’ by the State in collusion with parents of the girl, who openly endangered the complainant and his family of murdering them.

In response, as filed on behalf of State of Punjab, statements made in the telegram were repudiated. Consequently, notice was ordered to be issued to the petitioner. Pursuant to the notice, petitioner has put in appearance through counsel. Counsel for the petitioner states that the matter has been negotiated between the parties, and therefore, the petitioner does not want any further action on his telegram.

5.2.14 Case No.14

Manmeet Singh v. State Of Haryana and Others 166

Another instance of Honour Killing is mentioned hereby-

After the marriage with the petitioner, his wife was recounted to have been taken away from his (petitioner's) company vigilantly on 30.09.2014 when he had protested to the police pointing out eleven names as major suspects for instigating abduction of his wife from his legitimate company. No attempt has been made by the police till the time and when they showed awareness to the condition the lady had been killed and dead body had been recovered on 02.10.2014. A case of death under Section 302 IPC and other related provisions was registered and the rejoinder shows that five out of eleven persons have been antagonized, while the examination is said to be still developing and the police is on record to state that they have not composed any

implicating materials against the other six persons named in the petitioner's complaint.

The uncivilized dishonour happening to human beings comes paradoxically through the expression ‘Honour Killings’. The elicit point everlastingly is the inter-caste marriage of adults or the marriage between persons belonging to the same gotra, professed as actions against socially recognized norms. The parents themselves become the perpetrators of crimes against their children by succumbing to peer pressure or their own value systems. The verdicts of local groups called khaps expecting the parents to disclaim their children or issuing diktats of social ostracisation impulse the parents and near relatives to the border and make them execute improbable chaos and cause serious physical and mental harm to the young couples. The Law Commission, in its 242nd Report submitted on 22nd August, 2012, scrutinized whether 'Honour Killings' must be dealt with inversely in the manner of court trials through amended provisions of law and if there was a rationalization for awarding death penalty. Instead, it found that the origin consistently the obstruction to inter-caste marriages and gotra marriages for the Honour killings and there must be a special law that would distinguish a different set of ideologies for crushing the group opposition in the local communities. It, therefore, recommended a new legal outline through a law for Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of honour and Tradition). The approvals have not so far been put through the legislative capacity to secure any new law on the matter.

In Kirti Goyal and another v State of Punjab and others167, the court retold the couple, who were on the run, that "co-existence of freedom of the individual and

167Kirti Goyal and another v State of Punjab and others 2012(3) RCR (Criminal) 172.
social control is sine qua non for the justifiable progress of the society and also the essential part of the constitutional philosophy". The court recommended that "it is expected from the couple and other young citizens like them that before running away from their homes for executing this type of "revolution marriages", they must think twice, besides, listening carefully to their respective parents, who are not their enemies but real well-wishers". The court was equipped to place a higher esteem for social control when it said, "let us welcome the dynamic social change and evolution but only subject to the social control and moral values which are centuries old and have not lost their shine even today." In another judgment Sandeep Kaur and another v State of Punjab and others-2014(1) RCR (Civil) 1015, the court was concerned that the girl who was prepared to runway in insolence of her parents' wishes along with the man, who had married her, is at least a person of earnings. It, therefore, focused that the boy must show his bona fide and financial steadiness and secure a responsibility from Sandeep Kumar that is to deposit Rs 5 lakhs in the name of his wife. The boy was unsuccessful in the undertaking and the court witnessed that getting married is an obligation beyond "just sharing popcorns, watching movies and going out for dinner date". The court ordered police to investigate to the personality and background of the boy and directed suitable action to be taken in accord with law and submit a report to the court. All these judicial methodologies have not helped the cause of the runaway couples or their weakness for attack and bodily extermination through Honour killings. An organized transformation of the society could come only through the implementation of law, for, the law is a forceful instrument of social engineering and fashions and contours public sentiments. If unembellished punishment to Honour Killings have not stopped them, if judicial interference have not abridged their frequency and police would only stand as voiceless watchers, if not
active traitors, the situation will come where we will simply accept Honour Killings rather than realizing that this is one of the disgraceful and repulsive acts for the society. The society must try to comprehend that all the economic advancement and evolving goals of what our policymakers have endeavoured to secure will be cluttered, if we cannot respect an adult's independence to choose his or her partner to be together, with or without marriage. A great social thinker and one of the architects of Indian Constitution Shri B.R. Ambedkar wrote for a discourse 168-

“I am influenced that the real cure (against injustices to Dalits) is intermarriage. Merging of blood can alone generate the feeling of being kith and kin, and unless this feeling of kinship, of being associated, becomes dominant, the autonomist feeling- the feeling of being aliens-created by caste will not disappear. Among the Hindus, intermarriage must unavoidably be a factor of superior force in social life than it must be in the life of the non-Hindus. Where society is already well interwoven by other ties, marriage is a conventional instance of life. But where society is cut apart, marriage as a binding force becomes a matter of crucial inevitability. The real therapy for breaking caste is intermarriage. Nothing else will serve as the solvent of caste”.

There shall be a distinct cell in every police district for receiving complaints from couples articulating fear of physical extermination from parents, relatives and khaps. The police shall make no endeavour to induce adult couples to return to their parents if anyone among the couples catches physical harm. The police must keep an army of ‘friends of people’ from amongst advanced minded people in every village or group of villages, where honour killings have been widespread, to provide sensitive support and counselling. They shall be signalled by the police, when complaints are received, to play a mitigating role to prolix pressure in the village. There is an increasing detach

168 A.Rao, Gender and Caste 22(Kali for Women, New Delhi, reprint., 2005).
between police and people. Police must keep live connection with people, not merely
to detain or arrest but also to encourage harmony and goodwill. Every case alleged to
be an instance of honour killing shall be measured for allocation to a high power
officer for investigation not below the rank of a Deputy Superintendent of Police and
under the direct control and supervision of the Senior Superintendent of Police.

Dowry is a decaying problem in spite of bringing a law of dowry prohibition. Here,
the law states a sequence and it is only through the law execution machinery that
social change could come to capture this disorder. The support to inter-caste
marriages, if it is not instantaneously acknowledged in the society, it ought to come
by sustenance at least from the law enforcement organizations who ought to grab the
prospect every time when the situation grants itself. The police must shelter instantly
couples who have eloped, assured by love, and why, even of obsession by guarding
them in fortification homes or causing precautionary arrests who are likely to cause
damage or preventing the khaps from making any disagreeable diktats. Even
executive Magistrates have powers under Criminal Procedure Code to take written
guarantees of good conduct, who have criminal tendencies.

5.2.15 Case No.15

*Karmveer v. State of U.P.* 169

The facts, in transitory, of this case, are that the FIR has been lodged by Ashwani
Kumar against the applicant and co-accused Narendra and co-accused Dalu at Police
Station Phase II, Noida on 11.3.2011 at 7.25 P.M.in respect of the incident allegedly
occurred on 1.3.2011 at about 10.30 p.m. Thereafter the case has been transformed

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under sections 302/201 of IPC on 12.3.2011 at 6.20 P.M. It is supposed that there was a rumour in the village that the daughter of the applicant, namely, Bhoori had gone with Sanjai, who had returned, thereafter she has been killed by her father and others, such information was published in the newspaper also but nobody came forward in support of such version. The deceased was absconded a few days prior to supposed incident with her neighbour Sanjai, she had gone in her company also but after few days of vanishing, she returned to her house, she was obstinate to live in the company of Sanjai, the deceased has been killed in order to save the honour of the family and her dead body has been disposed of after having burnt her wholly.

In reply of the above contention, it is submitted by learned A.G.A. that it is a case of honour killing, the applicant being the father of the deceased has dedicated the murder of her daughter only because she had gone in the companionship of Sanjai and she had fallen in love with Sanjai, after few days of the fading she came back, then in a pre-planned manner, the deceased has been killed. During the investigation the proclamations of all the witnesses have been recorded, they supported the hearing version, the material collected by the I.O. has shown the involvement of the applicant in the commission of the alleged offence. The statement of the witnesses have been verified by the I.O, who had seen the claimant taking away his daughter on his motorcycle and later on he was comprehended along his two nephews carrying the dead body of the girl and fire-woods in a cart for her cremation, the gravity of the offence is too much, therefore, the applicant may not be released on bail.
5.2.16 Case No.16

_Thamizharasi v. The Superintendent of Police_ Madras High Court 170.

The newly married lady approached before the Court in search of police protection to her and her husband, namely, Ramesh for their life and limb. The petitioner struggles that she possessed M.Sc., B.Ed. Degree and also completed Teacher Training.

She valued Ramesh belonging from the same community from the same village. However, it was conflicting by their parents, but the petitioner married on 16.07.2014. Since the petitioner's father has given an objection and he is hurtling the petitioner and her husband to kill them in the name of 'honour killing'.

The learned Government Advocate (Criminal Side) acquiesced that a complaint was given by the petitioner's father affirming that her daughter was kidnapped and the F.I.R has been recorded.

However, the petitioner, as well as her husband, is present before this Court who unconditionally indicated that they loved each other and they got married on 16.07.2014.

The accounts, especially, the petitioner's mark-sheet, B.Ed. Degree discloses her date of birth as 25.04.1988 and she is a major and she is eligible to take her own decision. Moreover, the petitioner is possessing M.Sc., B.Ed. Degree qualifications. Therefore, she has taken a choice to get married to the said Ramesh and hence, married. Therefore, the petitioner and her husband should not be hassled grounded on the complaint given by the petitioner's father.

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Because of the terror by way of Honour Killing, the petitioner and her husband eloped from the native place and hence, it is suitable to direct the respondents to give proper fortification to the petitioner and her husband, namely, Ramesh to come back to their native place to lead the regular life.

5.2.17 Case No.17

S. Anbu Raj v. The Director General of Police 171.

There are two petitioners in this petition. They have approached with the petition looking for a trend to the respondents to prevent their Honour Killing at the hands of the anti-social rudiments.

The particulars of the case was as follows:-

The first petitioner is an Advocate practising before the Principal Bench of this Court for the past one year. He goes to Maravar Community which is a Most Backward Community. The second petitioner is employed in a Textile Mill in Coimbatore for the past two years. She is the daughter of one Mr. Dharmaraj. She belongs to Scheduled Caste Community. According to the petitioners, the second petitioner's father fixed her engagement for marriage with a 39 years old man from her community against her volition. Therefore, she eloped with the first petitioner on 14.10.2014 and thereafter, the petitioners got married at Amman Koil at Madurantakam. It is further stated in the petition that the second petitioner's father and his henchmen riding around three Sumo Vehicles with twenty five persons including few policemen of Madurai City and Usilampatti belonging to the same caste are chasing for the petitioners. It is also stated in the petition that the second

171S. Anbu Raj v. The Director General of Police Madras High Court Crl.O.P.No. 28641.
petitioner's father belongs to an influential caste supported by a political party and he is determined to eliminate not only the first petitioner but also his own daughter, namely, the second petitioner herein for the said caste honour. The petitioners, therefore, would state that they apprehend Honour Killing and are therefore in hiding ever since their marriage. With these allegations and apprehensions, the petitioners have come forward with this petition with the prayer as stated above.

5.2.1 8 Case No.18

_Deepti Chhikara murder of 2012_\textsuperscript{172}

In June 2012, reports came out that a young woman Deepti Chhikara was killed, and her body was then discarded in Uttarakhand. The girl, who was a school teacher at an MCD school, was strangulated to death by her mother Birmati and brother Mohit, and later her uncle Amit assisted the duo in arranging the body.

As this Hindu report at the time pointed out, "the mother-son duo first beat her up and Mohit later strangulated her to death. Birmati held Deepti by her legs, while Mohit strangulated her."

Deepti wanted to marry Lalit Vats, but her family was not satisfied to the match as he was from a dissimilar caste. Deepti was supposedly killed in April but her family did not register any complaint. It was Lalit who forewarned the police to the fact that Deepti had been missing since she went to her maternal home.

\textsuperscript{172}Editorial, “Young woman strangled to death” _The Hindu_, Jun.29,2012.
5.2.19 Case No.19

*Monica and Kuldeep Murder of 2010*  

Another Honour killing hit the captions in Delhi in June 2010 when a couple, Monica and Kuldeep, along with Monica's sister Shobha was killed by their family members. Monica had married Kuldeep, who was a Rajput boy, and their families did not support the union. Both of them belonged to the Wazipur village of Delhi. Shobha on the other hand was tangled in a relationship with a boy belonging to another caste and had purportedly helped her sister to elope.

According to the *IBN-Live* Report, the three accused – AnkitChaudary, Mandeep Nagar and NakulKhari- eloped after constraining the triple murders and when caught by the police, had claimed that "There was a lot of pressure on them and that's why they did this (murder)."

The three were apparently killed for conveying dishonour to their families by marrying outside their community, adds the report.

At the time of the murder, the family had astonishingly justified the killing and Dharamveer Nagar the uncle of Mandeep and co-accused Ankit, had said that the killings were indispensable to maintain the family’s Honour. Ankit was Monica's brother, while Mandeep was Shobha's brother.

For the killers, it was obvious that they didn't see anything erroneous with the murders. Ankit was quoted as saying in the *IBN-Live* report, "We have not done anything? We are being outlined. Don't know why?"

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5.2.20 Case No.20

*Mukesh v. State of Uttarakhand*\(^{74}\)

Learned counsel for the applicant opposes that the police without having any evidence against the applicant and his family members, under the pressure of some conflicting persons, by giving the name of Honour Killing to the incident in question, has connected the applicant and his sons and they were arrested on 19.05.2013.

It is stated that the applicant is the father of the deceased and the applicant is behind the slabs for about eighteen months.

It is stated that the co-accused Mohit and Amit, having an identical case, have already been inflated on bail. Considering the whole of evidence and situations and without expressing any view as to final merits of the case, this Court is of the view that applicant deserves bail at this stage.

The bail application is allowed.

5.2.21 Case No.21

*Raghunath v. Superintendent*\(^{75}\)

This petition has been filed to direct the respondents to give police protection to the petitioners to live peacefully in the village at Sakkulipatti Village, HarurTaluk, Dharmapuri District.

One Dalit community married to Vanniyar community and they got married on 19.05.2016.

\(^{74}\) *Mukesh v. State Of Uttarakhand* Special Appeal No. 696 of 2017.

It is apprehended by the petitioners that there is a probability of Honour Killing and therefore, the petitioners have sent an exemplification to the Superintendent of Police, Dharmapuri District and to the Inspector of Police, Harur Police Station by registered post.

In view of the law laid down by the Hon'ble Supreme Court as afore stated, the petitioners are directed to go in-person and lodge a fresh complaint before the Superintendent of Police, Dharmapuri District and on such complaint being lodged, the same shall be queried into and the petitioners are provided adequate safety for their life.

5.2.22 Case No.22

Anjana and Anr v. State Of Punjab and Ors

This petition has been filed under Section 482 Cr. PC pleading be directed to protect the life and liberty of the petitioners as they have performed their marriage and apprehended danger to their life at the hands of their family members.

The Court passes in the following order-

“A newly wedded couple has approached this Court seeking protection to their life from those who have opposed their marriage”.

Anjana, petitioner no.1 is less than 18 years of age. She was born on 2.9.1993. The Court cited reference of Poonam and Another v. State of Haryana and others (Criminal Misc. No.M-12767 of 2011, decided on 3.5.2011) that even minor is entitled to protection and this Court will not hesitate to provide the same as the minor

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376 Anjana and Anr v. State Of Punjab and Ors, Punjab and Haryana High Court 02 Jun 2011 available at https://www.casemine.com
bride cannot be made a victim of Honour killing and cannot be left at the sympathy of those who oppose the marriage. The Court will not be a silent spectator and cannot agree on somebody kill the couple.

5.2.23 Case No. 23

Lawyers for Human Rights v. State of Haryana via Shakti Vahini

By filing a Writ petition against the cruelty of Khap Panchayat to bring notification of the Court that this social crime is bringing a danger to life and safety of citizens so it should be checked immediately and the biased role of Khap Panchayat should be stopped.

5.3 Examples of Honour Killings in Recent Era


The Supreme Court of India has re-established a Trial Court Judgement acquitting the accused in an alleged ‘Honour Killing’ incident in Thodupuzha, Kerala, by setting aside a Judgment by High Court of Kerala. An auto rickshaw Driver named Jojo, who was in a loving relationship with Smitha, a minor, was found murdered in a paddy field while he was apparently trying to abscond with her. The Prosecution version was that the father of this girl, with whom Jojo was trying to flee, caught hold of the neck of Jojo and strapped him down into the paddy field which was filled with mud and water and sat on his body and his brother trapped hold of his neck from backside and engrossed his face in the muddy water again and again, thereby choked and murdered


him. The Trial Court held that the trial case was not “free from reasonable doubt” and therefore the accused were allowed to get the benefit of a doubt. On Appeal, the High Court convicted the couple and in its Judgment had observed: “More importantly, the order passed by the court below will definitely result in a grave miscarriage of justice not only to the family of the victim but to the entire society at large.”

**Couple fearing honour-killing seeks protection, Times of India, Oct 17, 2017**

G Padmavathi, 21, from Sethurapatti on the outskirts of Trichy belongs from a dominant community to protest District Collector office asking security for her and her husband M. Velusamy, 23 from Sooravalipatti village. According to her petition to the collector, the couple was in a relationship for the past two years. The relationship was met with the firm disagreement from her parents. "They reproached me quoting his caste. They also endangered to kill us if I marry him," said Padmavathi in her petition. They decided to elope and these inter-caste couples after conducting marriage are suffering in the apprehension of getting killed in “Honour Killing” as they have already started receiving threats and hence they approached District Collector.

The latest merciless case on Honour Killing happened on 10\textsuperscript{th} of December 2017 where a pregnant Muslim woman burnt alive by her own family for marrying a Dalit man in Karnataka. A 21-year-old Muslim woman from Gundakanala village, Bijapur district in Karnataka was scorched alive by her family members last Saturday for marrying a Dalit man, reported .(The News Minute, Monday, June 05, 2017).

Banu Begum and Sayabanna Sharanappa Konnur, 24, escaped to Goa in January, where they had their marriage recorded. After Banu got pregnant, the couple returned to the village expecting their parents would agree on the marriage.