



CRR-3705-2017 (O&amp;M) -1 -

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRR-3705-2017 (O&M)**

Date of Decision: 19.07.2024

Dimple

.... Petitioner

Versus

State of Haryana and another

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: -Mr. Vimal Kumar Gupta, Advocate for the petitioner.

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**NIDHI GUPTA, J. (ORAL)**

Challenge in the present petition is to the judgment dated 04.09.2017 passed by learned Additional Sessions Judge, Kaithal in Criminal Appeal No. 22 of 2017 whereby judgment dated 02.02.2017 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Kaithal in Criminal Case No. RBT60 of 2015 arising out of FIR No. 257 dated 20.11.2013 registered under Section 406/498-A IPC at Police Station Civil Line Kaithal, District Kaithal acquitting respondent No.2 from the charges levelled against him by giving him benefit of doubt, has been upheld.

Learned counsel for the petitioner/complainant/wife *inter alia* submits that in passing the impugned orders, the learned Courts below have failed to appreciate the evidence led by the petitioner in support of her contentions. It is submitted that the petitioner has borne the torture of the accused/ respondent No.2. It is further submitted that the respondent No.2 and his family have ceaselessly harassed the petitioner for not bringing the sufficient dowry. The petitioner has also specifically stated in her testimony



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that she had purchased the entire dowry articles from the market of Kaithal and she had brought entire bills to her matrimonial home, however even the said evidence had been wrongly discarded by the learned Courts below. The respondent No.2 had asked the petitioner to slap her mother and only then he would accept her as his wife. The petitioner was also given merciless beatings by the respondent No.2 due to which she became ill. It has been stated in para 7 of the present revision petition that the petitioner told her mother regarding the entire incident on telephone. On this, the mother of the petitioner came and took the petitioner for the purposes of getting medical aid for her, but the respondent No.2 did not take the petitioner back.

Learned counsel submits that 6 prosecution witnesses were examined and even the statement of respondent No.2 under Section 313 Cr.P.C. was recorded. However, he has been acquitted by giving benefit of doubt.

The petitioner herself appeared as PW2 and had examined her mother as PW3 and she specifically stated that an amount of Rs.50,000/- was handed over to respondent No.2 by the mother of the petitioner. It had also been stated in the FIR that the mother of the petitioner had given the said amount to respondent No.2. However, the said facts and evidence were not considered by the learned Courts below in passing the impugned judgments.

No other argument has been raised on behalf of the petitioner.

I have heard learned counsel for the petitioner as also perused the case file in great detail.

The brief facts of the case as evident from the record are that the petitioner was married to the accused/ respondent No.2 on 11.12.2010. No



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child was born out of their wedlock. On a complaint (Ex.PW1/E) filed by the petitioner, the present FIR No. 257 dated 20.11.2013 was registered under Sections 406/498-A IPC at Police Station Civil Line Kaithal, District Kaithal. In the complaint, the petitioner had alleged that at the time of marriage, mother of the petitioner gave dowry as per her capacity. Yet, after marriage, accused husband used to beat the petitioner. A panchayat was convened where the family of accused gave assurance that they will not repeat the act. It has been further alleged that accused no. 1 Ram Lal came to the house of petitioner and demanded from the complainant's mother Rs.50,000/- alleging that the amount has to be given to some one and complainant's mother keeping in view that her daughter would be kept nicely gave away the money. It has been further alleged that the accused tortured the petitioner for not bringing dowry and in one instance, he asked the petitioner to slap her mother only then he will accept her as his wife and also gave her beatings mercilessly and petitioner became ill. Complainant/petitioner told her mother regarding the entire event on telephone and her mother came and took the complainant for the purposes of getting medical aid for her but accused did not take complainant back and complainant has prayed for taking action against the accused. On the basis of the complaint, the above said FIR was registered in which the respondent No.2-accused faced trial and was acquitted by the learned trial Court vide judgment dated 02.02.2017. Against the said judgment, petitioner filed an appeal before the learned Additional Sessions Judge, Kaithal which has also been dismissed vide judgment dated 04.09.2017. Hence, the present revision petition.



In order to prove the above said allegations, the prosecution examined 6 witnesses including the petitioner as PW2 and her mother as PW3. Upon leading documentary as well as oral evidence, the learned trial Court found numerous discrepancies in the case set forth by the prosecution. In her complaint (Ex.PW1/E), the petitioner has alleged that her father has expired; but during her cross-examination, she has stated that her father is alive but living separately. In her statement before the police, the petitioner had stated that an amount of Rs.50,000/- was given by her *mother* to respondent No.2; however, in her cross-examination, she has stated that the said amount was paid by her *brother* to respondent No.2. Although, the petitioner had previously stated that she had bought all her dowry articles from the market in Kaithal and had carried the entire bills with her to her matrimonial home; however, contradictorily, in her cross-examination, the petitioner has admitted that there is no proof of the dowry articles given during marriage and she cannot produce any bills to prove the purchase of the said dowry articles. It has been admitted by the petitioner that the respondent no.2 was working in Gujarat. As such, after marriage, she went with respondent No.2 to Gujarat and stayed there for 1 ½ to 2 months and because of her ill health, the respondent No.2 gave up his job and moved to Kaithal for the convenience of the petitioner. As such, the allegation of the petitioner that soon after the marriage itself, the respondent No.2 gave beatings to her, does not inspire the confidence of this Court. Moreover, in her evidence, petitioner was unable to give specific information regarding when and where she was beaten up by respondent No.2. Even no date, time, place or month of alleged harassment or demand of dowry is given. Needless to say, there is no medical



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evidence to corroborate the allegation of beatings given to the petitioner by respondent No.2. I am, therefore, in agreement with the concurrent findings returned by both the courts below and hold that offence under section 498-A and section 406 IPC is not made out against the accused.

Learned counsel for the petitioner has been unable to controvert these concurrent findings of facts returned by both the learned Courts below.

Before parting, it may be pointed out that the present petition pertains to the year 2017. Perusal of the order sheets shows that notice has not yet been issued in this case and the matter has either been adjourned at request of learned counsel for the petitioner or none has appeared on behalf of the petitioner.

In view of the above, I find no merit in the present petition and the same is hereby **dismissed**.

Pending application, if any, stands disposed of.

**19.07.2024**

*Divyanshi*

**(NIDHI GUPTA)**  
**JUDGE**

**Whether speaking/reasoned Yes/No**  
**Whether Reportable Yes/No**