

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM A-58-MA of 2014

Date of Decision : March 26, 2015

Kamlesh Kumari

.....Applicant/Complainant

VERSUS

Nagar Singh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN**

Present : Mr. A.S.Gulati, Advocate for
Mr. A.S.Sullar, Advocate
for the applicant.

T.P.S. MANN, J.

The complainant has filed the present application under Section 378(4) Cr.P.C. for grant of leave to appeal against the judgment dated 31.7.2013 passed by the Additional Sessions Judge, Narnaul, whereby respondent-accused Nagar Singh was acquitted in a private criminal complaint of the charges under Sections 323, 376, 420, 467 and 468 IPC.

The case of the complainant was that after her marriage, she joined as a JBT teacher at Mohindergarh on 12.12.1997 while her husband was posted as a Forest Guard. On account of his job, the husband of the complainant used to remain away from the house. Accused-Nagar Singh, who was a colleague of the complainant, started coming to her house on the pretext of teaching her children.

He also created misunderstanding between the complainant and her husband and even instigated her to obtain divorce. The accused engaged a counsel for the complainant and got divorce petition filed on her behalf against her husband. He even appeared as a witness for the complainant. The divorce petition was decided, though *ex parte*, in her favour. The accused also divorced his wife and came close to the complainant. On 7.1.2004, the complainant purchased a plot in Adarsh Colony, Mohindergarh whereas the accused purchased the adjoining plot. He obtained her signatures on blank papers on the pretext that they were required for completing the proceedings. The complainant started residing with the accused in a rented house. On the night of 24.3.2004, the accused committed forcible sexual intercourse with her. Even, thereafter, on various occasions, the accused used to indulge in sex with the complainant. When the complainant constructed her house on the plot purchased by her, the accused obtained electricity connection in his name by showing the sale-deed of his plot and kept on residing with the complainant. The complainant also alleged that the accused formed a committee on 4.9.2008 and made the complainant as its Secretary. He himself became the Cashier whereas the daughter of the complainant was made its President. The complainant further alleged that without solemnizing marriage with her, the accused got recorded in the voter list and the identity card about the complainant

as his wife. ` When the complainant objected to her signatures being obtained on the pretext of getting the loan cleared, the accused gave beatings to her and threatened her with dire consequences.

Learned counsel for the applicant/complainant has been heard and the impugned judgment of acquittal perused.

It is an admitted case of the prosecution that the complainant was an educated woman, who had been posted as a Teacher in a Government School. Her father had already retired from the Forest Department. Her family consisted of her four brothers and three sisters. All her brothers were elder to her. In such a situation, she could have easily informed her father and brothers about the threats extended by the accused. She could also lodge the report with the police. Instead of doing so, she continued to have sexual relations with the accused for a period of six years. It is also a fact that in the voter identity card Ex. PW3/B, the complainant is shown to be wife of the accused. Same is the position in the voter list Ex.PW3/A. At no stage, did the complainant ever objected to her being shown in the voter identity card and the voter list as the wife of the accused. Even otherwise, there is no evidence on the record that the accused had forged or fabricated those documents.

According to the complainant, she was beaten up by the accused on 13.5.2010 and was, thereafter, confined in a room alongwith her daughter and they were rescued by PW4 Ashok

Kumar. Said Ashok Kumar testified that after 5/6 months of the occurrence, ASI Sube Singh had enquired from him about the occurrence. Further, the allegations levelled by the complainant that she was beaten by the accused is not supported by any evidence as she was not medico-legally examined. Further-more, before the institution of the present complaint, the accused had filed civil suit against the complainant and, therefore, the possibility of the present complaint being filed as a counter blast to the same cannot be ruled out.

In view of what has been discussed above, no case is made out for interfering in the impugned judgment of acquittal passed by the trial Court.

The application is without any merit and, therefore, dismissed.

Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

March 26, 2015
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CRM 1503 of 2014 in
CRM A-58-MA of 2014

Kamlesh Kumari Vs. Nagar Singh

Present : Mr. A.S.Gualti, Advocate for
Mr. A.S.Sullar, Advocate
for the applicant.

Heard. Sufficient cause has been shown for condoning the delay in applying for leave to appeal. The application is, therefore, accepted and the delay of 51 days in applying for leave to appeal is condoned.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

March 26, 2015
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