

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 3762 of 2015 (O&M)
Date of decision: 8.10.2015

Dipender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.A.Sheoran, Advocate
for the petitioner.

SABINA, J.

Petitioner had faced trial in FIR No.116 dated 19.05.2009, under Sections 354 of Indian Penal Code, 1860 ('IPC' for short), whereas, his co-accused had faced trial under Section 406, 498-A, 323 read with Section 34 IPC, registered at Police Station Badhra. Trial Court vide judgment/order dated 12.12.2013/16.12.2013 ordered the conviction and sentence of the petitioner under Section 354 IPC. Co-accused Pawan was convicted and sentenced under Section 498-A IPC. Co-accused Sajna and Ram Chander were acquitted of the charges framed against them. Appellate Court vide order dated 17.09.2015 dismissed the appeals filed by the petitioner and his co-accused Pawan Kumar as well as by the complainant. Hence, the present petition by the petitioner-Dipender.

Prosecution story, in brief, is that complainant Sunita got married to the petitioner Pawan Kumar on 27.06.2007. Parents

of the complainant had given sufficient dowry at the time of her marriage. Accused were not satisfied with the dowry articles and continued demanding a motorcycle and furniture. Complainant informed her parents in this regard, but she was sent back to her matrimonial home so that the matter could be reconciled. Complainant was threatened by her mother-in-law and father-in-law that in case, she returned to the matrimonial home without motorcycle and cash, she would be killed. Complainant again informed her father in this regard and the father of the complainant gave ₹ 20,000/- to the petitioner. After sometime, complainant was again given beatings by the accused and she was thrown out of the matrimonial home. Panchayat was convened and the complainant again returned to her matrimonial home. After few days, petitioner took the jewellery of the complainant. On 22.04.2009, Dipender cousin brother of the petitioner misbehaved with the complainant. When the complainant informed the said occurrence to her husband and other members of her in-laws family, she was given beatings.

Learned counsel for the petitioner has submitted that the petitioner has been falsely involved in this case.

So far as the case of the petitioner is concerned, complainant had specifically deposed that on 22.4.2009, petitioner had visited her matrimonial home. At night when the complainant was sleeping on the roof, the petitioner came to her cot and misbehaved with her. It has been noticed by the Appellate Court that the said version was duly corroborated by mobile call details. Since the prosecution had been successful in proving its case that the petitioner had misbehaved with the complainant with a view to

outrage her modesty, the Courts below had rightly ordered the conviction and sentence of the petitioner qua commission of offence punishable under Section 354 IPC.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

October 08, 2015

Gurpreet