

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

CRA-D-1266-DB of 2015 (O & M)

Date of decision : 5.4.2016

Manpreet Kaur

.....Applicant/Appellant

v.

State of Punjab and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE RAMENDRA JAIN**

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters?
3. Whether the judgment should be reported in the Digest?

Present : Mr. N.K. Manchanda, Advocate
for the appellant

RAMENDRA JAIN, J.

CRM No. 27513 of 2015 :

Heard. Sufficient cause has been shown for condonation of delay in filing of the appeal. The application is, therefore, accepted. The delay of 23 days in filing of the appeal is condoned.

CRA-D-1266-DB of 2015 :

Respondent No.2 was booked and tried under Sections 376 and 506 IPC on the charges that under the false promise of marriage, he allured the appellant and developed illicit relations with her.

The appellant and respondent No.2 are residents of village Bharana.

Prior to the marriage of the appellant, respondent No.2 used to tease and harass her. After her marriage, the appellant started residing with her husband Kashmir Singh at her matrimonial home. However, on her visits to her parental home at village Bharana, respondent No.2 had been alluring the appellant to provide her a better life, in case, she would marry him by saying that she was married at a wrong place. Respondent No.2 also handed over a mobile to the appellant. On the allurement of respondent No.2, the appellant used to remain in touch with him through his mobile. Finally, in between June and mid July of 2013, they both developed illicit relations with each other. Resultantly, she broke her nuptial ties with Kashmir Singh and left her matrimonial home with an intention to re-marry with respondent No.2, but he refused for the same. Thus, in this way, he sexually exploited the appellant on false promise of marriage taking advantage of her innocence. He also started threatening the appellant to kill her and her family members, in case, she would disclose their illicit relations to anyone.

On the basis of above narration of facts by the appellant to the police, a case was registered. After completion of investigation, final report under Section 173 Cr.P.C. for offence under Sections 376 and 506 IPC was presented in the Court against respondent No.2. On receipt of the case by way of commitment, the learned trial Court finding a prima facie case, charge sheeted respondent No.2 as such.

After hearing learned counsel and perusing the entire evidence on record from both the sides, the learned trial Court acquitted respondent No.2 vide impugned judgment dated 2.5.2015.

Being aggrieved, the complainant-prosecutrix has preferred the

present appeal for conviction of respondent No.2 under Sections 376 and 506 IPC by setting aside the impugned judgment.

Learned counsel for the appellant argued that the impugned judgment is based on surmises and conjectures. The learned trial Court has failed to appreciate that respondent No.2 allured and black mailed the appellant under false promise to marry her. Resultantly, the appellant broke her marriage with Kashmir Singh. The learned trial Court also failed to appreciate that mobile No..8872251914 was found in the name of brother of respondent No.2, namely Surjit Singh from which he used to talk with the prosecutrix. The learned trial Court has erred in not considering that consent of the prosecutrix was not free, rather was obtained by fraud. She was physically and sexually exploited by respondent No.2 under the false promise.

We have given our thoughtful consideration to the above submissions and find the present appeal completely meritless for the reasons to follow.

(i) Admittedly, the prosecutrix-appellant is a major and married woman. No one can be allured and made to agree to develop illicit relations under false promise, unless and until the person cheated has some own interest. It is needless to mention here that it takes two to make a quarrel (Clapping is not possible with single hand). Falling of the appellant in allurements of respondent No.2 speaks volumes about her own conduct, unfaithfulness and her betrayal towards her husband Kashmir Singh. She cannot be termed as a genuine lady, when as per her own stand she had developed illicit relations with respondent No.2 during the subsistence of her

marriage.

(ii) Accepting a mobile by the appellant from respondent No.2 also proves her mala-fide intention. No sane lady, or, in other words, no married woman of ordinary prudence would accept any gift from anyone like mobile, detrimental to her matrimonial life. If seen from any angle, the free will and consent of the appellant in developing sexual relationship with respondent No.2 stands proved.

(iii) As per her own version, the appellant stayed in her parental home from June 2013 to 18/19 July, 2013 and developed sexual relations with respondent No.2. Her above act proves that it was not respondent No.2, rather the appellant herself was inclined to allure and marry him, may be due to not interested in her existing marriage with Kashmir Singh.

(iv) Learned counsel for the appellant has miserably failed to put any dent in any of the findings of the learned trial Court about the above conduct of the appellant. As far as alleged threatening of respondent No.2 to the appellant is concerned, the same has also no legs to stand for the simple reason that had it been so, the appellant was at liberty to report the same to her family members, her husband or to the police. Not adopting any such exercise by the appellant requires to draw an adverse inference against her that the things did not happen in the manner as narrated by her.

We have gone through the impugned judgment and found no illegality or perversity in the same.

Accordingly, the appeal being completely devoid of any merit, is hereby dismissed.

(T.P.S. MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

5.4.2016
Ashwani