

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A- 277 MA-2013 (O&M)

Date of decision: 05.05.2016

Om Parkash

.....Applicant

versus

Jagdish and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Kewal Singh, Advocate for
Mr.Hemant Bassi, Advocate for the applicant

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This order shall dispose of the application under Section 378(4) Cr.P.C. filed by the applicant for grant of leave to appeal against the judgment of acquittal dated 31.3.2012, passed by learned Chief Judicial Magistrate, Hisar.

I have heard learned counsel for the applicant and have carefully gone through the file.

Om Parkash had filed a complaint under Sections 406, 498-A, 506, 329 IPC, in which he stated that his sister Kiran Devi was married with accused Jagdish on 11.4.1995. Rs.5 lacs were spent on the marriage. Then there are allegations of entrustment of some dowry articles. Then there are allegations of giving of some dowry at the time of marriage. It is further alleged that Kiran Devi was

harassed and mal-treated by all the accused for giving insufficient dowry and the Panchayat was also convened. Ultimately, Kiran devi went back to her parental house. In June 1999, all the accused came to house of the complainant and demanded a Maruti car and a sum of Rs.50,000/- as a pre-condition for taking Kiran Devi to her matrimonial home.

The perusal of the lower Court judgment shows that the lower Court held that the dowry articles were handed over to Kiran Devi as *Istridhan*. These were the gifts. Once, the ownership is transferred, it cannot be said that there is criminal breach of trust regarding the same. Lower Court also did not believe the allegations regarding demand of dowry as claimed by the complainant. Allegations of criminal intimidation were also not believed.

I am of the view that apparently, there was a matrimonial discord between the husband and wife. The marriage was solemnized in the the year 1995 and trouble started much later. Ultimately, Kiran Devi went to her parental house. It is not the case of complainant that they ever demanded that after the return of Kiran Devi, dowry articles be also returned to them. In fact, the Panchayats were convened to solve the matrimonial dispute. However, efforts of the Panchayats failed. This Court is not convinced that all the family members i.e. husband accompanied by his father, mother, sister and brother will go to the complainant family to demand a Maruti car and Rs.50,000/-. The allegations appear to be mere exaggeration to make out the offence. The lower Court has taken one of the two possible views. The view taken by the lower Curt cannot be called

perverse or illegal.

It being so, there is no ground to interfere in the judgment of acquittal passed by the lower Court.

Hence, the application for grant of leave to appeal stands dismissed.

05.05.2016
gk

(Kuldip Singh)
Judge