

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-A-1229-MA of 2016**

DATE OF DECISION: AUGUST 29, 2016

ADITI DEVI

...APPLICANT

VERSUS

SURAJ PARKASH AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.  
HON'BLE MRS. JUSTICE SNEH PRASHAR.**

PRESENT: MR. B.D.SHARMA, ADVOCATE FOR THE APPLICANT.

**M. JEYAPPAUL, J.**

1. The prosecutrix has filed the present application under Section 378(4) Cr.P.C. praying for special leave to file an appeal against the judgement of acquittal recorded by the trial Court.

2. It is the case of the prosecution that the accused forcibly pulled her out of the Temple and having administered her some intoxicant liquid substance, kidnapped her from Amritsar and proceeded to Mata Chintpurni Temple at District Una, Himachal Pradesh, where accused Suraj Parkash forcibly performed marriage with her. Accused also threatened her that in case she opposed the marriage, she would be done to death. Accused Suraj Parkash forged her signatures in the couple protection petition submitted before the High Court. She was physically tortured for no fault of her. All the accused persons hatched a criminal conspiracy to do the illegal act. Accused Suraj Parkash developed physical and sexual relations with her, though she was against performing the marriage as well as physical relationship.

3. Heard the submissions made by learned counsel appearing for the applicant.

4. It is an admitted case that the prosecutrix was 22 years old at the time when the alleged occurrence took place. The facts and circumstances projected in this case would unerringly go to establish that the prosecutrix was a consenting party for all the acts done by accused Suraj Parkash. The marriage of accused Suraj Parkash and the prosecutrix was solemnized at the Temple. She had lived with accused Suraj Parkash for the period from 16.3.2013 to 4.5.2013. Never had she resisted the act of the accused, nor had she made any attempt to inform the persons from the public whom she happened to meet at various places during that period. To top it all, she had come alongwith accused Suraj Parkash and submitted a petition before the High Court to get a protection order. Never had she whispered anything during such proceedings that she was abducted, subjected to solemnization of marriage against her will and was ultimately raped by accused Suraj Parkash. When the prosecutrix had an ample opportunity to disclose the above episode to the persons from the public and also to the Court, she never availed the same. The prosecutrix who was 22 years old had lived with accused Suraj Parkash for 46 days. PW2 who is the mother of the prosecutrix also candidly admitted during the course of cross-examination that she came to know later that her daughter and accused Suraj Parkash had solemnized marriage with each other and moved a petition before the High Court seeking protection to their life and liberty. She has also admitted that accused Suraj Parkash had in fact filed a petition under

Section 9 of the Hindu Marriage Act in the Court of Ms.Sushma Devi praying for restitution of conjugal rights.

5. The above facts and circumstances would go to establish that the accused have not committed any offence as claimed by the prosecutrix. Even the innocent persons who have no connection with the affair of accused Suraj Parkash with prosecutrix have been unnecessarily implicated in this case. The trial Court has rightly recorded acquittal. Therefore, leave sought for is declined and the application is accordingly dismissed.

**(M. JEYAPPAUL)**  
**JUDGE**

August 29, 2016  
Gulati

**(SNEH PRASHAR)**  
**JUDGE**

**Whether Reportable** **Yes**

**Whether Speaking/Reasoned** **No**