

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

Crl. Misc. No. A-1498-MA of 2016

Date of decision : 29.09.2016

Jyoti

...Applicant-appellant

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Surinder Singh Duhan, Advocate,
for the applicant-appellant.

RITU BAHRI, J.

Challenge in this appeal is to the judgment dated 07.05.2016 passed by the Judicial Magistrate, Ist Class, Safidon, vide which all the accused (respondent Nos.2 to 7) have been acquitted of the offences under Sections 498-A, 406, 323 & 506 IPC.

Jyoti-complainant filed a complaint under the aforesaid sections against the accused-respondents, alleging that her marriage was solemnized with Dharmbir Chahal (respondent No.2) on 04.02.2013 at Safidon, District Jind as per Hindu rites and ceremonies. Her parents had spent about Rs.3 lacs on her marriage and the dowry articles were handed over to all the accused persons, which were taken into possession by them. Soon after the marriage, in-laws of the complainant had started harassing and humiliating her on the pretext of bringing inadequate dowry. There was demand of motorcycle, refrigerator, washing machine and Rs.1 lac from her parents. Upon this, her parents had given Rs.50,000/- to accused-respondent No.1. Despite that, they continued to harass the complainant. Ultimately, on 14.04.2013, she

was thrown out of her matrimonial home. Thereafter, on 20.04.2013, she along with her brother went to her matrimonial home at Samalkha and asked the accused-respondents to return her dowry articles, but they flatly refused to do so. In this background, the complaint was filed.

Trial Court fixed the case for preliminary evidence and thereafter, sought a report under Section 202 Cr.P.C. from the SHO concerned. On completion of preliminary evidence, vide order dated 11.08.2014, accused Nos. 1 to 3 (respondent Nos.2 to 4 herein) were summoned to face trial under Section 498-A IPC.

In pre-charge evidence, complainant herself appeared as CW-1 and examined Dharmbir & Darshan Singh as CW-2 and CW-3 respectively. Thereafter, charge under Section 498-A IPC was framed against accused-respondent Nos.2 to 4.

The trial Court, after going through the entire evidence led by the parties, acquitted the accused of the charge framed against them on the ground that in her cross-examination, the complainant could not tell any date regarding demand of dowry by the accused persons and the dates when the Panchayats had been convened. She had admitted her statement made before the police, which was proved on record as Ex.D2. In this statement, it was admitted that she had gone to her parental home at her own sweet will on 14.04.2013. In her cross-examination, complainant (applicant herein) had admitted that at the time of marriage, it was told to her that Dharmbir (respondent No.2) is working as an engineer in the Roadways. However, he was not found to be doing the said duty in the Roadways. Dharmbir (CW-2), in his cross-examination, did not state any specific date when his daughter was given beatings by her in-laws (accused). He even did not utter the date

on which, Rs.50,000/- was demanded from him by the accused persons. Darshan Singh, Member Panchayat (CW-3), in his cross-examination, showed ignorance about the date on which, the so called Panchayats were held.

Having examined the impugned judgment, no illegality, much less perversity, has been found therein warranting interference by this Court. The evidence has been appreciated in the right perspective.

Dismissed

(RITU BAHRI)
JUDGE

29.09.2016
ajp

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>