

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

**CRR No.1428 of 2014 (O&M)
Date of decision: 04.11.2016**

Paramjit Kaur

.....Petitioner

Versus

Chhota Singh and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Manpreet Kaur, Advocate,
for Mr Kanwalvir Singh Kang, Advocate,
for the petitioner.

Ritu Bahri, J.

CRM No.14643 of 2014

For the reasons mentioned in the application, same is allowed and
delay of 109 days in filing of the petition is condoned.

CRR No.1428 of 2014

This petition has been filed against the judgment dated
09.10.2013 passed by the Additional Sessions Judge, Patiala, dismissing the
appeal filed by complainant-petitioner, Paramjit Kaur, against the judgment
dated 04.02.2013 passed by the Judicial Magistrate Ist Class, Patiala,
whereby Chhota Singh and Harpal Kaur-respondent Nos.1 and 2 have been
acquitted of the charges framed against them for commission of offences
under Sections 406/498-A/506 IPC.

Initially, complainant-Paramjit Kaur had filed a complaint before

the Chief Judicial Magistrate, Patiala, alleging therein that her marriage was solemnized with Beant Singh-respondent No.3 on 05.01.2009 as per Sikh rites and rituals. Chhota Singh-respondent No.1 is father-in-law and Harpal Kaur-respondent No.2 is mother-in-law of the complainant-petitioner. In the marriage, sufficient amount was spent by her parents and lots of gifts were given to her in-laws as per their capacity. Soon after the marriage, her in-laws started harassing and humiliating her on the pretext of bringing inadequate dowry. She was asked to bring more dowry. When the complainant showed her inability to do so, she was given beatings by accused-respondent Nos. 1 to 3. Later on, Beant Singh (husband of the complainant) had gone abroad. However, his parents started demanding Rs.10 lacs from the complainant in order to purchase a flat. On 08.08.2003, complainant gave birth to a female child. All the expenses were borne by her parents. In the month of January, 2005, Beant Singh returned to India for attending the marriage of his sister, but the complainant and her parents were not invited in the said marriage. Thereafter, Panchayats were convened, but the accused-respondents refused to rehabilitate the complainant. Beant Singh again returned to India on 20.02.2006 and demanded Rs.10 lacs from her parents. It was further alleged that the accused-respondents had also misappropriated the dowry articles. Consequently, the complainant filed a complaint under Section 156 (3) Cr.P.C. before the Court, which was sent to the concerned police station for registration of the case. Ultimately, the FIR was registered against the accused-respondents. On completion of investigation, challan was prepared and presented in the Court.

During the pendency of trial, Beant Singh-respondent No.3

absented himself from the proceedings, therefore, he was declared as proclaimed offender vide order dated 12.05.2012.

Trial Court, after going through the evidence led by the prosecution, acquitted accused-respondent Nos. 1 and 2 vide judgment dated 04.02.2013. Against the said judgment, complainant-petitioner as well as State had filed two separate appeals, which were dismissed by the Additional Sessions Judge, Patiala vide impugned judgment dated 09.10.2013. Hence, this petition.

Heard.

Paramjit Kaur-complainant was examined as PW-4. In her deposition, she had admitted that her family as well as the family of Beant Singh were middle class families. Source of income of her father was only pension, besides a rental income of Rs.6000/- per month. She had resided in her in-laws family for about 10 months. She had also admitted that her in-laws were owners of one flat even prior to her marriage and Beant Singh is the only son of his parents. In her deposition, the complainant had stated that she had no knowledge as to whether at the time of marriage, the accused (respondent Nos. 1 to 3) had given any lit of dowry articles to her father or not. She did not remember any date, month or year when beatings were given to her by the accused persons. Moreover, she was not medically examined from any hospital. When she left her matrimonial house in the month of January, 2004, her husband filed a petition under Section 9 of the Restitution of Conjugal Rights. The said petition was later on, dismissed as Beant Singh had failed to appear before the Court. She had admitted in her cross-examination that a Panchayat compromise had taken place on 20.03.2006, as per which, she was to reside with her husband at

Chandigarh/Mohali in a rented accommodation. Since there was no household article in the house, she did not accompany her husband as per compromise dated 20.03.2006. Even a petition filed by her under Section 125 Cr.P.C. was dismissed in default. Her husband had visited her house when she gave birth to a female child. She further admitted that Beant Singh had agreed to reside separately from his parents at Mohali at her instance. Ram Saran Singh, father of complainant-petitioner, appeared in the witness box as PW-6 and in his cross-examination, he admitted that compromise, Ex.D1, had been effected between the parties. After the said compromise, he served food to the respondent-accused and thereafter, sent his daughter with them in a car to Mohali along with two persons namely Harbans Lal and Shashi Goyal. He further admitted that earlier his daughter was married to Harjinder Singh and she had left the matrimonial house after leaving a minor daughter of nine months with him. He denied that any criminal case was got registered by his daughter (complainant) against Harjinder Singh, her previous husband. He further stated that his daughter was not ready to go with Beant Singh on account of harassment and misbehaviour being received by her. It was admitted by this witness that parents of Beant Singh had come to see the minor daughter of the complainant and had asked her to accompany them, but she did not go with them. No complaint was made by him against Beant Singh or his parents for giving beatings to his daughter.

In the absence of any evidence against the in-laws of the complainant, the scope of interference in the impugned judgment while exercising the revisional jurisdiction is very limited. In the present case, the prosecution has miserably failed to prove entrustment of dowry articles and any specific incident of cruelty committed by respondent Nos. 1 to 3

towards the complainant. In Gajjan Singh Vs. State of Punjab, CRR No.1905 of 2009 (decided on 22.09.2009), this Court has held that the revisional jurisdiction is restricted and can be exercised, if there is an error on the point of law or no appraisal or evidence at all and if, there is a glaring defect in procedure.

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

Resultantly, finding no merit, the present petition is dismissed.

04.11.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No