

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

**Crl. Revision No. 2529 of 2015 (O&M)**

**Date of Decision: 23.08.2016**

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**Madhu Bala**

**.. Petitioner**

**Vs.**

**State of Punjab & Anr.**

**.. Respondents**

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

**Argued by:- Mr. G.S. Duhan, Advocate  
for the petitioner.**

**ANITA CHAUDHRY, J.**

Delay condoned.

The instant revision petition has been filed by the complainant questioning the legality and propriety of the judgment dated 08.07.2014 vide which respondent No.2 Jai Bhagwan was acquitted of the charges under Sections 323, 406, 498-A and 506 IPC by the Judicial Magistrate Ist Class, Panchkula. The petitioner has also impugned the judgment dated 07.01.2015 passed by Additional Sessions Judge, Panchkula vide which her appeal against the judgment of acquittal was dismissed.

On the basis of complaint dated 02.02.2010 filed in the Court, police registered FIR No. 14 dated 19.02.2010 for offences under Sections 323, 406, 498-A, 427 and 506 IPC.

It was averred by the complainant that her marriage was solemnized with respondent No.2 Jai Bhagwan on 01.05.1992. At the time of marriage, the respondent demanded Rs.5 lacs in dowry, but her father could only arrange Rs.2,25,000/- and due to this, she was harassed. A son was born in the year 1993 and she was not permitted to enter the

matrimonial house and a demand of Rs.2,50,000/- was raised. The complainant was beaten up by the accused and the matter was reported to the police, where apology was tendered by the accused. It was further averred that the complainant was employed with ITI and the accused used to take her entire salary. The complainant narrated various incidents relating to the year 1996 and 1997 when she was beaten by the accused for bringing Rs.1 lac. The matter was reported to the police, but the complainant alleged that the accused pressurized her to withdraw the complaint. In the year 2006 accused again raised demand of Rs.1 lac at the time of “Kriya” of her late father. In the year 2010 the accused tried to kill her but she managed to escape. The complainant alleged that she was beaten on 23.01.2010 and the accused took her pass-book, ATM, driving licence, car, Activa and clothes.

After investigation challan was presented against the accused. Charge under Sections 323, 406, 498-A and 506 IPC was framed. At the trial, prosecution examined eight witnesses which included the investigating officer Baldev Singh as PW1, complainant Madhu Bala as PW2, her son Himanshu as PW3, brother Swatantat Kumar and sister Bimla Devi as Pws7 and 8 respectively.

No evidence in defence was led.

The trial Court, vide judgment dated 08.07.2014 acquitted accused the accused. The appeal filed by the complainant was dismissed by the Appellate Court.

I have heard learned counsel for the petitioner and have gone through the paper-book carefully.

The marriage between the parties are solemnized on 01.05.1992. The FIR was lodged after about 18 years thereafter. Though,

the petitioner raised allegations pertaining to the period 1996 onwards, but no evidence worth credence was produced to show that during the period interregnum, any complaint was made to the police against the husband in relation to the demand of dowry and beatings therefor. There was not even a whisper in the complaint that any dowry article was entrusted to the husband, which he had misappropriated, rather her allegations were vague.

The medical evidence produced by the petitioner in the shape of testimony of PW9 Dr. Rajiv is of no help because the witness had deposed that he had issued the medical certificate only because the petitioner needed for the purpose of leave from the office.

The petitioner had produced herself besides examining her son, brother and sister. Their statement were found discrepant and partisan in nature. It was the case of the complainant that the accused demanded Rs.1 lac from her brother, whereas her brother failed to corroborate her testimony. He rather deposed that the respondent never maltreated his sister in his presence. The son of the complainant had reasons to depose against his father. He deposed that that he was beaten up by his father because he was not good in studies.

The petitioner had claimed that she was thrown out of the house for want of money in dowry, but the Courts below while not relying upon her testimony took into consideration the fact that the respondent had purchased the house in the name of the petitioner and it was held that had she been subjected to harassment on account of dowry, there was no occasion for the respondent to purchase a house in the name of the petitioner.

The High Court ought not to interfere with the order of

acquittal unless the judgment of acquittal is perverse or highly unreasonable. In the instant case, the judgment of acquittal rendered by the Courts below is neither perverse nor unreasonable. It cannot be said that the court based its findings on irrelevant or inadmissible evidence.

The petition is dismissed.

**August 23, 2016**  
**Jiten**

**(ANITA CHAUDHRY)**  
**JUDGE**

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No