

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Crl. Revn. No. 3768 of 2014
Date of decision : 03.12.2016

Suman

.....Petitioner

Versus

Yashwant and ors.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amit Prashar, Advocate for
Mr. Rajneesh Chawla, Advocate
for the petitioner.

* * * *

RITU BAHRI, J

Present petition has been filed against the judgment dated 17.10.2014 passed by the learned Additional Sessions Judge, Narnaul, vide which the appeal against the judgment dated 28.02.2013 passed by the learned Judicial Magistrate Ist Class, Narnaul (hereinafter referred to as "the trial Court") was dismissed.

Brief facts of the case are as that on an application moved by the complainant under Section 156(3) Cr.P.C, the matter was sent for registration of F.I.R, which was registered against Yashwant, Ajay, Banshidhar and Mewa Devi with the allegations that complainant married to Yashwant Singh and her sister got married to Ajay on 30.05.2009. However, after marriage, accused were not happy with the dowry articles given by the parents of the complainant and they started harassing the complainant on account of bring insufficient dowry. It was alleged that the accused demanded 1-1 motorcycle, Rs.51,000/- cash and gold ornaments. When

their demands were not fulfilled, on one day, they started beating the complainant and gave slap and fist blows. Thereafter, a panchayat was convened and accused admitted their guilt and assured that in future, they will not harass the complainant and her sister but after sometime, they again started harassing the complainant and her sister. The complainant moved an application dated 10.09.2010 but the police did not take any action and the complainant filed the present complaint.

Thereafter, F.I.R under Sections 498-A/406/506/323/34 IPC was registered by the Court against accused person and investigation was conducted. The dowry articles were recovered and the accused were released on bail. Challan was presented against the accused and copies of challan was supplied to them.

Subsequently, they were charge sheeted under Sections 498-A/406/506/323/34 IPC to which they pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined P.W.1 to P.W.9 and thereafter, closed the evidence. Statements of accused under Section 313 Cr.P.C was recorded wherein they denied all the allegations levelled against them and claimed themselves to be innocent. In defence, accused did not lead any evidence.

The trial Court after going through the entire evidence led by the prosecution, came to conclusion that the accused are not guilty of the aforesaid offence as there was no cogent and convincing evidence, which can prove that the accused persons have committed criminal breach of trust by dishonestly misappropriating the dowry articles belonging to the complainant.

The trial Court observed that the complainant/petitioner while

appearing as P.W.2 admitted that earlier she and her sister filed a complaint which was sent to Women Cell and a compromise had taken place and this fact was also admitted by Suman, P.W.2, Lalita, P.W.3, Brij Lal, P.W.5 and Attar Singh, P.W.4, whose signatures were there on the compromise Ex D1 and D2, which took place on 22.09.2010. The present application was filed on 07.10.2010, as the accused persons did not take the complainant to the matrimonial home, as per compromise deed.

Further accused Yashwant and Ajay had filed application under Section 9 of the Hindu Marriage Act but the complainant Suman had filed the divorce petition and obtained the divorce. Further P.W.5 admitted that no demand was raised from him, thus the allegations levelled by the complainant were found to be false and vague.

Further it has been observed that the complainant and her sister were 8th pass and thus, it is not believable that the accused demanded Rs.51,000/- and gold ring, as a sum of Rs.4,00,000/- has been spent on their marriage.

Further Yashwant and Ajay had filed an application under Section 9 of the Hindu Marriage Act which shows that they intended to settle the dispute with the complainant and her sister but it was complainant who was adamant to seek divorce which she got from the Court.

Further the complainant has not given time, date and month when the beatings were given to her and her sister and there was no medical examination got done by the complainant.

Taking into consideration the above facts and circumstances of the case, both the Courts below have rightly acquitted the accused and therefore, no ground is made out to interfere in the judgments dated

28.02.2013 and 17.10.2014.

The petition stands dismissed.

03.12.2016
G Arora

(RITU BAHRI)
JUDGE

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