

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

CRM A-1603-MA of 2015

Date of Decision: November 2, 2017

Ritika	Versus	Applicant
State of Punjab and another		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. H.P.S. Ghuman, Advocate
for the applicant.

T.P.S.MANN, J.

The instant application has been filed under Section 378(3) Cr.P.C. by the prosecutrix seeking leave to appeal against judgment dated 5.6.2015 passed by Additional Sessions Judge, S.A.S. Nagar, Mohali.

Vide impugned judgment, the trial Court acquitted respondent No.2-Harshad Gautam (hereinafter referred to as 'the accused') of the charges under Sections 376 and 420 IPC.

The case of the prosecution, in nutshell, is that the prosecutrix, who resided in House No. 430 Phase-1 S.A.S. Nagar Mohali came in contact of accused in June 2013 through internet

and after becoming friends they started meeting each other. It was on his asking that she came to Mohali and found the job of a sales executive. The accused used to reside as a tenant in Phase 2, S.A.S. Nagar Mohali. After her office time, the prosecutrix used to meet him as he promised to marry her. On the eve of New Year and of Valentine's day, he took her to Shimla. When they went to Gurudwara Shaheedan Nurpur bedi, he took an oath assuring her that he would marry her. This led to the prosecutrix developing faith in him. The accused told her that his sister was residing in Phase 10, S.A.S. Nagar, Mohali and he wanted to confide about their relationship with her so as to prepare his family to solemnize marriage. He took prosecutrix to his sister's house on 26th or 27th February. When they visited that house his sister was not there. The accused assured that he would solemnize marriage with her. Accordingly, he made physical relations with the prosecutrix and, thereafter, left her at her P.G. As a result of developing physical relations, she became pregnant and told the accused to hurry up in solemnizing their marriage. The accused also accompanied her to undergo pregnancy test but when he learnt about her pregnancy, he started avoiding her. The prosecutrix apprised her parents that the accused had established physical relations with her on the promise of solemnizing marriage and had also made her pregnant. However,

he refused to go ahead to solemnize marriage and, thus, cheated her.

After hearing learned counsel for the applicant and on going through the record, this Court finds that the prosecutrix already stood married with one Ravi Megh and without getting the same marriage dissolved, she had been insisting upon getting married to the accused. The factum of her marriage with Ravi Megh stood established from the testimonies of DW1 Ashok Kumar, DW2 Bakhtawar Singh, DW3 Kuldeep Singh and DW4 Varinderjit Kumar besides application Ex.DW2/A, sanction order Ex.DW2/B, affidavit of PW3 Om Parkash as DW2/D and certificate Ex.DW2/E wherein it was certified by Om Parkash, father of the prosecutrix that marriage of his daughter stood verified on 25.10.2007 at Nangal Township. It had also come on record that a matrimonial dispute had arisen between the prosecutrix and her husband Ravi Megh upon which she moved complaint dated 25.5.2010 before the S.S.P. Ropar Ex.DX/1 in which allegations of demand of dowry and harassment were levelled by averring that she had solemnized her marriage with Ravi Megh on 25.11.2007.

From the records, it is made out that the prosecutrix was not only older in age to the accused but she had already finished studies and had settled in life and, subsequently, she had

married to Ravi Megh. When she had come in contact with the accused, she was already well settled being a sales executive with a renewed Cellular Company and was drawing good salary whereas the accused was still a student and had not settled in life.

In view of the above, no fault can be found with the findings arrived at by the learned trial Court in acquitting accused of the charges against him. The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

November 2, 2017
amit rana

(MAHABIR SINGH SINDHU)
JUDGE

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