

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-A-783-MA-2017 (O&M)

Date of Decision: 13.7.2017

Paramjit Singh

..Applicant

versus

Rupinder Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Gurmeet Singh, Advocate, for the applicant.

RAMENDRA JAIN, J. (ORAL)

The applicant Paramjit Singh has filed the instant application under section 378 (4) of the Code of Criminal Procedure for grant of special leave to file appeal against the order of acquittal dated 27.1.2017 passed by the learned trial court.

Learned counsel for the applicant contends that the complaint of the respondent and her co-accused against the applicant-complainant levelling serious allegations of rape, forcible dispossession, theft and black-mailing before the Senior Superintendent of Police, Hoshiarpur, which, after enquiry, was found to be false, has defamed the applicant-complainant badly. The trial court has illegally and wrongly acquitted the respondent without appreciating that there was ample evidence on the record to convict her. A serious prejudice has been caused to the applicant by acquittal of the respondent.

I have given anxious consideration to the submission made by learned counsel for the applicant.

In nutshell, one Onkar Singh, husband of the respondent, allured the applicant and one Gurdev Singh to send them to Italy by managing their immigration etc. and he, in lieu thereof, demanded ₹16 lacs from the applicant. However, Onkar Singh, after receiving considerable amount from the applicant, misappropriated the same and finally, refused to send the applicant and said Gurdev Singh to Italy. Consequently, the applicant moved an application against Onkar Singh to the police, in which Onkar Singh had executed affidavit dated 24.12.2007 admitting his liability and issued four cheques in favour of the applicant to satisfy his claim, but later on, resiled. Consequently, the applicant filed a complaint to the police against Onkar Singh, who again executed a fresh compromise, promising to pay back the money, but again resiled second time too, forcing the applicant to move third complaint against him and his wife (respondent herein), on the basis of which, FIR No.33 dated 6.6.2010 was registered under section 420 IPC against them and Karam Kaur, mother of Onkar Singh, in Police Station Mehtiana.

To counter the said FIR, Onkar Singh, his wife Rupinder Kaur-respondent no.1 and his mother Karam Kaur filed 2-3 civil suits against the applicant and Gurdev Singh. Finally, they, hatching a conspiracy to pressurise the applicant to withdraw his complaint, moved a false complaint dated 18.8.2009 to the Senior Superintendent of Police, Hoshiarpur, levelling serious allegations of rape, forcible dispossession, theft and blackmailing against the applicant, which after due enquiry, was found to be false and thus, was filed by the police authorities. The said action of respondent no.1 Rupinder Kaur had lowered down the reputation of the applicant in the society. Consequently, the applicant filed complaint under

sections 500/506/182/120-B, read with section 34 of the Indian Penal Code against the respondent and four other persons.

The learned trial court, vide impugned judgment dated 27.1.2017, after due consideration, acquitted the respondent. A perusal of the same shows that the applicant could not prove on record the alleged complaint moved by the respondent against him levelling allegations of rape, forcible dispossession, theft and black-mailing. No independent witness was also examined by the applicant in support of his assertion that the respondent and her companions had levelled any defamatory allegations against the applicant in public view. CW-3 Amolak Singh, examined by the applicant, did not depose that the respondent had ever levelled false allegations against the applicant. That apart, in the aforesaid FIR no.33 dated 6.6.2010 got lodged by the applicant, Onkar Singh was declared Proclaimed Offender and the other accused were exonerated.

In view of the above discussion, I do not find any illegality or perversity in the impugned judgment dated 27.1.2017 passed by the trial court. Resultantly, special leave to file appeal is hereby declined.

The application is, accordingly, dismissed.

13.7.2017
VK

(RAMENDRA JAIN)
JUDGE

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| 1. | Whether reasoned/speaking | Yes/No |
| 2. | Whether Reportable | Yes/No |