

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1538-2016 (O&M)

Date of Decision:- 07.03.2017

Anju Sharma

....Petitioner

Versus

Mukesh Kumar and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ritesh Aggarwal, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition is against order dated 07.12.2015, passed by the learned Additional Sessions Judge, Sangrur whereby an appeal filed against judgment of acquittal dated 23.09.2013, passed by Sub-Divisional Judicial Magistrate, Malerkotla, District Sangrur, has been dismissed and all the accused-respondents have been acquitted by giving the benefit of doubt.

Briefly, the facts of the case are that, an application was moved by petitioner Anju Sharma to the SSP, Sangrur vide which she has asserted that she was married with accused No.1 Mukesh Kumar, as per Hindu Rites on 15.02.2012. Her parents have performed her marriage as per their capacity. After the marriage, her husband and his other family members started harassing and beating her on account of bringing less dowry. Earlier also the accused have raised a demand of ₹2,00,000/- before the police officials of Nabha, but due to the threat of the registration of FIR, they did

not press the said demand. Later on, the compromise was effected before the Women Cell, Sangrur and she again started residing in her in-laws house as they have convinced her that they will not harass her again. But after some time, accused again started harassing her and her entire dowry articles were destroyed by them. Thereafter, on account of harassment meted out by her in-laws, she along with her minor child, came to her paternal house at Malerkotla and started residing there. Thereafter, her husband and sister-in-law Sunita threatened her that if she will not bring ₹50,000/- with her, then they will eliminate her. She told all the accused persons that her parents had already incurred the expenses on her marriage beyond their capacity. Her father Rajinder Kumar along with respectable persons went to her matrimonial house at Nabha but the accused persons remained adamant on their demand of dowry.

On the basis of above-said application, the present FIR was got registered against the accused persons.

After completion of investigation and other formalities, challan against the accused was presented in the trial Court.

After presentation of the challan, accused were charge-sheeted under Sections 406 and 498-A IPC to which they pleaded not guilty and claimed trial.

In order to substantiate its case, the prosecution has examined PW-1 ASI Jaswant Singh, PW-2 Anju Sharma (complainant), PW-3 Inspector Rajesh Kumar, PW-4 HC Kashmir Singh and PW-5 Mohd. Ashraf. Thereafter, the statements of accused were recorded u/s 313 Cr.PC.

Both the Courts going through the evidence and taking into consideration the facts that complainant Anju Sharma was residing

separately in a rented accommodation with her husband Mukesh Kumar and the allegations of maltreatment and harassment had not made out against all the accused except Mukesh Kumar. PW-3 Inspector Rajesh Kumar has specifically admitted this fact on 06.09.2016, the dowry articles were recovered, vide recovery memo Ex.PW3/B from the rented accommodation of Mukesh Kumar at Vishawkarma Colony. This fact further admitted by PW2 Anju Sharma during her cross-examination that she along with her husband had remained separately from the family and stayed in rented accommodation for about 6-8 months before she came to Malerkotla. The admissions on the part of the complainant falsify her version that she was thrown out of her matrimonial house by her in-laws on the ground of bringing less dowry. Further, as per her (PW2 Anju Sharma) cross-version, she is not having the bills qua the dowry articles which were given at the time of marriage and even cannot tell the names of the shops from where the dowry articles were purchased as the same were purchased by her father and brother. Although the father of the complainant has already been expired but the brother of the complainant has not been examined to prove the dowry articles, which were purchased from different shops and entrusted at the time of marriage to the accused. There was no evidence to establish that any such articles were purchased by the petitioner or her father and were given at the time of marriage. Moreover, the prosecution has produced another witness, namely, Mohd. Ashraf, who stated that at the time of marriage itself, the accused persons have raised a demand of ₹31,000/-, which was duly fulfilled by Rajinder Kumar, father of complainant, however, this allegation has not been made by complainant Anju Sharma

with Rajinder Kumar (father of the complainant) and he attended the marriage only at the instance of brother of the complainant. In his further cross-examination, he has alleged that a panchayati compromise was effected at the time of marriage regarding payment of ₹31,000/- but this fact is not corroborated by the complainant while appearing in the witness box. Consequently, both the Courts below, have held that the prosecution has miserably failed to prove its case against the accused persons and accordingly they have been acquitted of the charges framed against them by giving the benefit of doubt.

After hearing the learned counsel for the petitioner, going through the entire record, this Court is of the considered view that the both the Courts below have recorded the valid reasons/grounds and rightly acquitted the accused-respondents. Learned counsel for the petitioner did not point out that how and in what manner, any interference is warranted in the impugned judgments of acquittal. Such well-articulated judgments, containing the valid reasons/grounds of acquittal, cannot possibly be interfered, unless the same are illegal and without jurisdiction. No such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner in the impugned judgments of acquittal.

In the light of aforesaid reasons, as there is no merit, therefore, the present revision petition is hereby dismissed.

March 07, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No