

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

**CRR No.2697 of 2016 (O&M)  
Date of decision: 12.01.2017**

**Laxmi Devi**

**.....Petitioner**

**Versus**

**State of Haryana and others**

**.....Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Sarbjit Singh, Advocate,  
for the petitioner.

**Ritu Bahri, J.**

**CRM-23352-2016**

For the reasons mentioned in the application, same is allowed and delay of 14 days in filing of the petition is condoned.

**CRR No.2697 of 2016**

This petition has been filed against the judgment dated 07.04.2016 passed by the Additional Sessions Judge, Narnaul, dismissing the appeal filed by complainant-petitioner against the judgment dated 02.08.2014 passed by the Judicial Magistrate Ist Class, Narnaul, whereby accused-respondent Nos.2 to 4 have been acquitted of the charges framed against them under Sections 406, 498-A & 506 IPC.

Brief facts of the case are that FIR No.153 dated 07.11.2011, under Sections 498-A, 406, 506 read with Section 34 IPC was registered at Police Station, Ateli on the basis of a complaint made by Laxmi Devi-petitioner, wherein she has stated that her marriage was solemnized with Bajrang-respondent No.2 on 22.06.1997. Soon after, the marriage, her in-laws (petitioners) started harassing and humiliating her on the pretext of bringing insufficient dowry. Out of this wedlock, one female child namely

Komal was born. After the birth of girl child, the behaviour of accused-respondent Nos. 2 to 4 became more atrocious. On 26.06.2011, they poured kerosene oil over the body of complainant in order to set her ablaze. However, they could not succeed in their nefarious mission. They also given beatings to the complainant. Ultimately, she was thrown out of her matrimonial house. In this background, the FIR was registered. On completion of investigation, challan was prepared and presented in the Court.

Copies of challan and other documents were supplied to the accused-respondent Nos. 2 to 4 free of costs, as envisaged under Section 207 Cr.P.C. Thereafter, finding a prima facie case, charges under Sections 406, 498-A and 506 IPC were framed against them, to which, they pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined Laxmi Devi, complainant (PW-1), HC Rohtash Singh (PW-2), Raghubir Singh (PW-3), Lady Constable Sarita (PW-4) and SI Dayanand (PW-5). On conclusion of the prosecution evidence, statements of the accused-respondent Nos. 2 to 4 under Section 313 Cr. P.C. were recorded, wherein entire incriminating evidence was put to them. However, they denied the same and pleaded false implication. No evidence was led in defence.

Trial Court, after going through the evidence led by the prosecution, acquitted the accused (respondent Nos.2 to 4) of the charges framed against them. Appeal against the said judgment was dismissed by the Additional Sessions Judge, Narnaul, vide judgment dated 07.04.2016. Hence, this petition.

Heard.

Both the Courts have returned concurrent finding that there was no evidence led by the complainant to show that she was treated with cruelty by her in-laws or there was demand of dowry. Not even a single incident or date was given when the demand was made and when she was subjected to cruelty. Even the allegation of rape against her father-in-law, which was alleged to have been committed on 10.01.2004, has not been substantiated by any medical evidence. No complaint was made by the complainant since the day of her marriage i.e. 22.06.1997 with regard to cruelty or demand of dowry. There was no specific evidence that she was subjected to any cruelty.

In the present case, the evidence led by the prosecution is not sufficient to come to a conclusion that accused-respondent Nos. 2 to 4 had committed cruelty towards the complainant during her matrimonial life.

After going through the impugned judgments, this Court is of the view that both the Courts have rightly returned a finding that for about 13 years of marriage, the couple remained happy and no case was got registered against accused-respondent Nos. 2 to 4 with the allegations of cruelty and demand of dowry. Accordingly, the ingredients of Section 498-A IPC have not been substantiated in this case. Thus, the judgments of acquittal passed by both the Courts below do not require any interference. The evidence has been appreciated in the right perspective.

Resultantly, the present petition is dismissed.

12.01.2017  
ajp

(RITU BAHRI)  
JUDGE