

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

**CRR No.4146 of 2015 (O&M)
Date of Decision: 10.05.2017**

Rajpal Kaur

.....Petitioner

Vs.

Paramjit Singh and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Satish Goel, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

CRM No.35596 of 2015

For the reasons stated in the application, delay of 45 days in filing the appeal is condoned.

Application stands disposed of.

CRR No.4146 of 2015

The petitioner has come up in revision against the order dated 18.12.2014 passed by the learned Court of Sub-Divisional Judicial Magistrate, Nabha, in Complaint No.61-T of 18.07.2006 for the offence under Sections 498-A, 406, 324, 323, 325, 341, 148, 149 and 120-B IPC acquitting the respondents from the charges under Sections 498-A, 406, 324, 341, 120-B IPC and dismissal of the Criminal Appeal No.110 of 10.02.2015 by the learned lower appellate Court, Patiala, vide order dated 28.05.2015.

The brief facts of the case are that petitioner/complainant-Rajpal Kaur had filed a complaint against the respondents before the trial Court under Section 498-A, 406, 323, 324, 325, 341,148, 149 read with Section 120-B IPC on the allegation that she was married to Paramjit Singh-

respondent No.1 about 8 years ago and out of this wedlock, one female child was born. It was alleged by the petitioner that since the beginning of the marriage, the behaviour of the respondents was rude towards her. They were not satisfied with the dowry articles brought by them at the time of marriage. Besides, they used to illtreat and taunt her for bringing inadequate dowry. They were maltreating, torturing and beating the petitioner with a view to compel her to bring more dowry from her parents as they were not satisfied with the quality and quantity of the dowry and article given by her parents. Respondent No.1-Paramjit Singh forced the complainant/petitioner to bring Rs.1 Lakh from her parents, for the construction of his house and when the complainant refused to accept the illegal demands raised by the accused, she was given merciless beatings and thereafter father of the complainant/petitioner gave Rs.1 lakh to the respondents after selling the paddy crop. It was alleged that in the year 2004, accused again raised a demand of Rs.1 lakh and in order to save the matrimonial life of his daughter, father of the complainant gave Rs.50,000/- to the respondent-Paramjit singh but the respondents continued the illegal demands of money. Petitioner/complainant was physically harassed on account of this reason. Complainant remained admitted in Civil Hospital, Sherpur and her medical examination was conducted. The matter was reported to the police but no action was taken by the police against the respondents; rather the respondents registered a false FIR No.54 dated 21.04.2006 against the petitioner and her brother Balwinder Singh at Police Station, Sadar, Nabha. The respondents had also misappropriated the dowry articles of the complainant and they had also committed the breach of trust. Thus the

present complaint has been filed before the trial Court.

After recording preliminary evidence, charges were framed against the respondents under Sections 498-A, 406, 323, 341 read with Section 120-B IPC. The case of the complainant was that on 20.04.2006, respondents in furtherance of their common intention voluntarily caused hurts to the complainant Rajpal Kaur and her brother and wrongfully restrained them and hatched criminal conspiracy with each other.

A perusal of the file shows that in FIR No.54 dated 21.04.2006 under Section 323, 324, 34 IPC was got registered by Balwinder Singh brother of the petitioner in Police Station Sadar Nabha. In that FIR Balwinder Singh and Rajpal Kaur gave their respective statements to the police and in the State case they had appeared as witnesses and denied their version given by them as their statements recorded before the police. The conduct of the petitioner and her brother could not be overlooked by the Court and created doubt regarding their credibility and veracity of their testimony as witnesses. This fact assumes more significance when the initial version of Rajpal Kaur-petitioner and Balwinder Singh given by them in the police challan case was totally identical with the version of complainant/petitioner in the present complaint case. She had admitted in her cross-examination that she had given statement in the Court and subsequently, she showed her ignorance about police challan case and present case is same. In her police statement Ex.D2/B shows that she categorically denied that on 20.04.2006 accused persons caused injuries to her and her brother and she never recorded names of the accused persons to the police. The same statement was made by Balwinder Singh in the police challan case Ex.D1/A where he totally denied the occurrence of 20.04.2006.

acquitted. A perusal of Ex.D1/A and Ex.D2/B, Ex.D3/A and Ex.D3/D shows that both the witnesses have also denied the occurrence of 20.04.2006 and denied that accused persons caused injuries to Raj Pal Kaur-petitioner and her brother Balwinder Singh.

The version of petitioner regarding incident dated 20.04.2006 was not believable and even independent witnesses Ujjagar Singh and Surjit Singh did not support the case of complainant and therefore, both the Courts below had rightly acquitted the respondents Paramjit Singh, Gurinder Singh and Sukhdev Kaur. So in the light of the discussion, the orders of the Courts below do not reflect any material irregularity or perversity which warrant interference. Hence the present revision stands dismissed.

(RITU BAHRI)
JUDGE

10.05.2017
anil

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