

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

**Crl. Revn. No. 4710 of 2015
Date of decision : 03.05.2017**

Seema

.....Petitioner

versus

Raj Kumar and others

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

RITU BAHRI, J.

Challenge is to the judgment dated 17.10.2015 whereby learned Addl. Sessions Judge, Bathinda has upheld the judgment of acquittal of private respondents passed by learned Judl. Magistrate 1st Class, Bathinda on 16.12.2014 in F.I.R No. 226 dated 21.03.2008 under Section 498-A IPC, registered at P.S. Station Kotwali, Bathinda .

The above said F.I.R has been registered against private respondents on the statement of the petitioner with the allegations that her marriage was solemnized with Ajay Singla on 19.02.2000. Out of this wedlock, two children were born. After marriage, the husband of the petitioner addicted to bad vices like intoxication and lottery and started giving beatings to the petitioner along with other accused for bringing more dowry. The petitioner was finally turned out of the matrimonial home on 12.02.2007 and on 18.02.2007, a male child was born.

On the basis of application given by the petitioner, an enquiry was conducted and F.I.R under Sections 498-A/406/34 IPC was registered against accused persons. Statement of witnesses were recorded. Upon completion of investigation, report under Section 173 Cr.P.C was presented against the accused persons under Sections 498-A/406 IPC.

Upon presentation of the challan, copies of documents as required under Section 207 Cr.P.C were supplied to the accused by the learned Illaqa Magistrate.

All the accused were charge sheeted for the offence punishable under Section 406/498-A IPC to which the accused pleaded not guilty and claimed trial.

The prosecution examined 09 prosecution witnesses and thereafter, evidence of the prosecution was closed on 17.11.2014.

Statements of the accused were recorded under Section 313 Cr.P.C and they denied all the incriminating circumstances appearing in evidence against them and pleaded innocence.

The Courts below after going through the contents of the case, acquitted on the ground that the testimony of petitioner, P.W.2, P.W.10 and other witnesses were held not to be sufficient enough that the petitioner/complainant was subject to mental or physical cruelty so to coerce her to meet unlawful demand of dowry of accused. There is no iota of evidence on file regarding specific entrustment of dowry articles to any of the accused. It was held to be only a matrimonial dispute. Further during cross examination of the petitioner, she stated that for the first time, accused

committed cruelty in August 2002 but there are vague allegations that entire member of in-laws family gave beatings. No specific attribution to any of the person has been assigned. No specific date, time or instance has been given by the petitioner when she was given beating by her in-laws family on demand of dowry. It seems that when the marriage of the petitioner goes in rough weather, she started making allegations against all the in-laws family. She tried to shift the liability of acts of her husband, upon her in-laws.

Reference at this stage can be made to catena of judgments passed by this Court as well as Hon'ble the Supreme Court i.e ***Preeti Gupta and another vs. State of Jharkand and anr, 2010 (7) SCC 667, Ramesh and others vs. State of Tamil Nadu, 2005(3) SCC 507 Bhushan Kumar Meen vs. State of Punjab and others, 2011(4) R.C.R (Criminal) 144, Ms. Anu Gill vs. State, 2002(1) R.C.R (Criminal) 82, Ghusabhai Raisangbhai Chorasiya and others v. State of Gujrat passed in Crl. A. no. 262 of 2009, decided on 18.02.2015 by Hon'ble the Supreme Court, Geeta Mehrotra and another vs. State of U.P and anr., 2012(4) RCR (Crl) 812 and Gurpal Chand Kataria @ Gupral vs. Pawan Kumari, 2014(2) Law Herald 1060***

wherein it has consistently been held that in F.I.R's/complaints arising out of the matrimonial dispute, vague and general allegations against the in-laws shall not constitute any offence under Section 498-A IPC. The family members of the husband cannot be forced to face a criminal trial proceeding which in itself is a punishment.

Thus the accused have rightly been acquitted by giving them the benefit of doubt, as the cruelty on account of brining less dowry by

petitioner was not proved from the evidence available on file.

The petition stands dismissed.

(RITU BAHRI)
JUDGE

03.05.2017
G Arora

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>