

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

**CRR No.902 of 2016 (O&M)
Date of Decision: 19.05.2017**

Meena Kumari

.....Petitioner

Vs.

Kuldeep Kumar and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Manmeet Singh Rana, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

CRM No.7508 of 2016

For the reasons stated in the application, delay of 61 days in filing the appeal is condoned.

Application stands disposed of.

CRR No.902 of 2016

The petitioner has come up in revision against the order dated 07.10.2011 passed by the Court of learned Sub-Divisional Judicial Magistrate, Nakodar, in a case FIR No.373 dated 19.09.2003 under Sections 406, 498A IPC registered at PS Nakodar acquitting the respondents from the charges under Sections 406, 498-A IPC and the order dated 09.09.2015, whereby, judgment of acquittal passed by the trial Court was upheld by the revisional Court.

The brief facts of the case are that complainant/petitioner was married to accused Kuldeep Kumar son of Yash Pal on 25.04.1999. A huge amount was spent on the marriage of complainant and the dowry articles/Istridhan were entrusted to the accused persons. It was alleged by the

complainant/petitioner that since the beginning of the marriage, the behaviour of the respondents and their family members 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 complainant/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. Even they tried to abuse complainant/petitioner by sprinkling diesel upon her. Thereafter, complainant/petitioner was thrown out of matrimonial home. On this background FIR has been registered.

After registration of FIR, challan was presented and the charges were framed against all the accused. The prosecution examined Meena Kumari (PW-1), SI Onkar Singh (PW-2), Amarjit Lal (PW-3), Surjit Kaur (PW-4), Bal Mukand (PW-5) and Saroop Singh (PW-6) and thereafter evidence of prosecution was closed by order as prosecution failed to conclude it despite available numerous opportunities. Statements of the accused under Section 313 Cr.P.C. were recorded in which all the incriminating material was put to the accused to which they have denied and pleaded that they have been falsely implicated in the present case.

After going through the evidence led by the prosecution and defence, the following questions arise for determination for the decision of the case:

- (1) Whether the accused have misappropriated the dowry articles or refused to return these articles to the complainant ?

(2) Whether the accused have subjected the complainant to cruelty by raising demands of dowry?

With regard to point No.1 i.e. misappropriation of dowry articles, the respondents have set up a case that all the belongings of the complainant were taken by her when she left the house of accused situated at Ravidaspura, Nakodar and started living in separate house at Nakodar. After perusal of record, learned trial Court also found that contention raised by the respondents is correct because Surjit Kaur-mother of the complainant, who had stepped into witness box as PW-4 had admitted in her cross-examination that respondent-Yashpal arranged a separate house for complainant. The entire belongings of the complainant Meena were shifted in the said house. Thereafter, petitioner went to her parental house at Jalandhar and did not return Nakodar. Although, complainant in her deposition had not admitted that all her belongings were taken away by her but this version of complainant cannot be believed in view of the version stated by her mother who had no adverse interest against the complainant/petitioner. Moreover, petitioner has failed to provide date, month and year of demands of aforesaid refrigerator and motorcycle. In view of the discussion above, the prosecution had failed to prove the charge of misappropriation of dowry articles and demand of refrigerator and motorcycle against the respondents.

With regard to point No.2, a perusal of examination-in-chief of petitioner shows that she has levelled allegations of beating since her marriage on account of bringing less dowry and to pursue their demand of Hero Honda and Refrigerator. In her cross-examination, petitioner-Meena Kumar (PW-1) had stated that her father-in-law was residing abroad even prior to her marriage, accused Chain Ram and his son Pardeep Kumar are

residing separately from her in-laws. Respondent Ram Lubhaya and Charno were residing in village Tajpur and they seldom come to Nakodar on account of their relations. Accused Raj Kumar and his wife Sarabjit are residing at village Lalian and they visit Nakodar occasionally. In these circumstances, when the above named respondents were not residing at matrimonial home of the complainant, therefore, there was no occasion from them to maltreat complainant or give her beatings, as claimed by petitioner. Moreover, complainant had examined two witnesses with regard to convening of Panchayats and to prove that respondents did not mend their behaviour but the said version of the witnesses could be relied upon because it had come on record that compromises were earlier effected between the parties and Surjit Kaur (PW-4) had not denied the suggestions of defence counsel that in earlier compromise, petitioner Meena Kumari confessed her fault and respondents were found to be innocent.

After considering the facts and circumstances of this case and evidence available on record, learned trial Court had acquitted the respondents for the offences under Sections 406 and 498A IPC.

Learned revisional Court had also upheld the judgment of the learned trial Court which exercising its revisional jurisdiction.

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

19.05.2017

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