

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. A-875-MA of 2018

Date of Decision : July 31, 2018

Khushpreet Kaur

....Applicant

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vinay Kumar Gupta, Advocate
for the applicant.

T.P.S. MANN, J.

Complainant Khushpreet Kaur has filed the present application under Section 378(4) of the Code of Criminal Procedure, 1973 for grant of leave to appeal against the judgment dated 22.2.2018 passed by learned Sessions Judge, Sri Muktsar Sahib whereby the accused, who are respondents No. 2 to 7 herein, were acquitted of the charges under Section 313 read with Section 34 IPC and Section 498-A IPC.

According to the prosecution, the complainant was married to respondent No.4-Harjinder Singh on 2.3.2014. At the time of marriage, huge sum was given to the accused family by her father. Her husband already had a son. After the marriage when she became pregnant, the accused family wanted her to abort fetus without her consent. On 4.8.2014, her father-in-law Kapoor Singh

brought some medicine which was forcibly administered to her by her mother-in-law Jasvir Kaur, husband Harjinder Singh, brother-in-law Jaswinder Singh and sister-in-law Bhinderpal Kaur in the form of juice. Thereafter, Jaspinder Kaur and Bhinderpal Kaur started rubbing her abdomen. When her condition worsened, she was taken to a private hospital. The scan revealed incomplete abortion and, accordingly, the fetus was aborted. The complainant, thereafter, went to her parents' house at village Doda. The accused had misappropriated her istri dhan consisting of cash worth Rs.8,00,000/- and gold ornaments which were given to her at the time of her marriage by her father. She had moved an application to the Senior Superintendent of Police, Sri Muktsar Sahib which was marked to the Deputy Superintendent of Police, Sri Muktsar Sahib but no action was taken against the accused.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that the occurrence had taken place on 4.8.2014 but the present complaint was filed only on 3.8.2015, i.e. after a lapse of one year. The explanation given by the complainant to explain the delay in the lodging of the FIR can not be accepted. According to the complainant, she had moved applications to the police on 3.10.2014 and 1.4.2015. Evidence has come on record that the aforementioned applications, said to have been submitted by the complainant, were thoroughly examined and found to be false.

According to the complainant when she got married to Harjinder Singh, he already had a son. However, she did not disclose in the complaint that Harjinder Singh was married with her sister earlier who had died and subsequently she had married him.

As regards the allegations qua maltreatment, no specific date or time was mentioned by the complainant while filing the complaint. There was also no specific allegation of maltreatment against any of the accused.

As regards the miscarriage as alleged by the complainant that on 4.8.2014, her father-in-law had brought some medicine which was administered to her forcibly by mixing it with juice, it may be noticed that when she was taken to a private hospital and subjected to ultra sound and scan it was reported that abortion was incomplete and some parts of the fetus were lying in the abdomen. As her condition had become serious, she was taken to Guru Nanak Hospital, Sri Muktsar Sahib where abortion was completed under medical supervision. PW4 Dr. Parminder Singh Bhandari, whose clinic was first visited by the complainant, has deposed about the complainant being fully conscious when she came to him on 5.8.2014 and she had not disclosed to him that she was physically assaulted. He further deposed that there was no evidence that the patient was administered some medicine or poisonous substance. Similarly, PW5 Dr. Smilie Garg deposed that the complainant had

come to her Centre on 7.8.2014 and after her examination she had referred her for ultra sound test. She did not provide any history that she was administered some poisonous substance or some medicine forcibly. Further, in the indoor patient case file Ex.PW6/D, there was consent for admission signed by the complainant and her husband Harjinder Singh. Nowhere it was mentioned in the history by the complainant that some force had been used for miscarriage or some medicine given.

In view of the above, no fault can be found with the impugned judgment of acquittal passed by the learned trial Court. The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

July 31, 2018
satish

(T.P.S. MANN) (FATEH DEEP SINGH)
JUDGE JUDGE

Whether reasoned/speaking : YES / NO

Whether reportable : YES / NO