

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

Crl. Revision No. 832 of 2017(O&M)

Date of Decision: 12.07.2018

Paramjit Kaur

.. Petitioner

Vs.

Jugraj Singh & Ors.

.. Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Argued by:- Mr. B.S. Jaswal, Advocate
for the petitioner.**

ANITA CHAUDHRY, J.

Delay condoned.

The petitioner is aggrieved with the judgment dated 20.02.2016 rendered by the Judicial Magistrate Ist Class, Baba Bakala Sahib. Respondents No.1 to 6 were acquitted of the charges under Sections 406 and 498-A IPC. A challenge has also been laid to the judgment dated 25.10.2016 vide which the appeal has been dismissed by the learned Additional Sessions Judge.

The facts first. The petitioner was married to respondent No.1 Jugraj Singh on 15.01.2007. Respondent No.2 Sukhdev Singh is brother-in-law; respondent No.3 Mohinder Singh is father-in-law while respondent No.4 Gurpreet Kaur is wife of respondent No.2 and respondent Nos.5 and 6 Lakhwinder Kaur and Maninder Kaur are sisters-in-law.

The petitioner lodged FIR No. 201 dated 28.09.2009 under

Sections 406 and 498-A IPC on the allegations that sufficient dowry was given to the accused in the marriage, but they were not satisfied and she was harassed and maltreated by them. It was averred that a demand of Rs.1 lac was made which was not fulfilled and she was turned out of the matrimonial home. Later Rs.50,000/- was given to the accused and she returned to the matrimonial home. The complainant also averred that in the month of January, 2007 she was given beatings by the accused and on her refusal to bring a motor cycle and balance Rs.50,000/-, she was turned out of the matrimonial home and her dowry articles were misappropriated. The case was registered and investigated. The accused were put to trial.

At the trial for the charges under Sections 406 and 498-A IPC, the complainant appeared in the witness box as PW1 and her mother was examined as PW3 besides other official witnesses.

The accused abjured the trial in their statements under Section 313 Cr.P.C. They examined Surinder Singh as DW 1.

On analyzing the evidence on record, the trial Court acquitted the accused. The complainant failed in appeal, leading to the filing of the instant revision petition.

I have heard learned counsel for the petitioner and have gone through the records of the Courts below.

It is evident that in the complaint given to the police there was no reference to entrustment. During her statement in the Court she made improvements and stated that rings and been given to the in-laws while a gold ring and gold kada was given to the husband. The trial Court specifically held that initially there was no specific entrustment to the accused and whatever was said in the Court did not fall within the definition

of dowry and were gifts given to the husband and in-laws at the time of marriage. Nothing was recovered from them during investigation. It was held that in absence of any specific entrustment of dowry articles, no offence under Section 406 IPC was made out.

It had come on record that the other accused were residing separately from the couple and their ration cards were proved on record. General allegations of harassment were levelled against all the accused without specifying any date of the incident. It was held that to settle scores with the husband all of his relatives were implicated by exaggerating the allegations.

The prosecution case rests on the testimony of the complainant and her mother. The accused examined DW1 Sawinder Singh who produced the compromise, Ex.D1, entered before the Panchayat and was signed by the complainant and her mother, wherein it was mentioned that the complainant would not repeat the mistakes done in the past and both the parties would live peacefully. The allegations regarding demand of dowry were also found baseless. The complainant though denied its execution, but did not raise any objection at the time of its exhibition. The complainant failed to narrate any specific date or time when she was beaten by the accused. Her ocular version was not corroborated by medical evidence.

The trial Court had elaborately discussed the facts and evidence and had given reasons to disbelieve the prosecution case. The findings returned are based on correct appreciation of evidence.

The High Court ought not to interfere with the order of acquittal unless the judgment of acquittal is perverse or highly unreasonable as held in **Vimal Singh Vs. Khuman Singh, 1998(4) RCR(Crl.) 423**. In the

instant case, the judgment of acquittal rendered by the Court below is neither perverse nor unreasonable and it cannot be said that the court based its findings on irrelevant or inadmissible evidence. In the circumstances, the revision petition is dismissed.

July 12, 2018
Jiten
Whether speaking/ reasoned

(ANITA CHAUDHRY)
JUDGE
Yes/ No

Whether reportable

Yes/ No