

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

CRM-A 401-MA 2018 (O&M)
Date of Decision: 29.11.2019

BALJEET KAUR

...Appellant

Versus

NAVJOT KAUR AND OTHERS

...Respondent

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Sarju Puri, Advocate
for the appellant.

ANIL KSHETARPAL, J.

Special leave to appeal has been sought against the judgment of acquittal passed by the learned Judicial Magistrate, 1st Class, SBS Nagar, in a criminal complaint filed by the appellant under Section 378(4) of the Code of Criminal Procedure.

Appellant is the mother-in-law, whereas respondent No. 1-Navjot Kaur is her daughter-in-law. Allegations are that she alongwith her relatives had trespassed into house by scaling wall. The Judicial Magistrate, 1st Class, SBS Nagar, has recorded following reasons to dismiss the complaint:-

- (1) The complaint has been filed after a period of one year approximately and there is no explanation for delay.
- (2) No independent witness has been examined.
- (3) Daughter-in-law had lodged an FIR under the Protection of Women from Domestic Violence Act, 2005 and chances are that the present complaint is counter blast thereto.
- (4) Only nephew of the complainant has been examined but he is interested witness.

Learned counsel for the appellant although has made sincere attempt to persuade this Court to take a different view, however, in absence of any substantive error or perversity, this Court is not inclined to grant special leave to appeal.

Dismissed.

November 29, 2019
Mehak Huria

(ANIL KSHETARPAL)
JUDGE

Whether reasoned/ speaking
Whether reportable

Yes/No
Yes/No