

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

CRR No.3386 of 2014

Date of decision: 14th March, 2019

Harjit Kaur

... Petitioner

Versus

Ranjit Singh & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.K. Mattoo, Advocate for the petitioner.

FATEH DEEP SINGH, J.

The petitioner Harjit Kaur, who happens to be the complainant, had earlier filed a case against present respondents accused Ranjit Singh and Joginder Kaur by way of FIR No.260 dated 09.02.2007 under Sections 406, 498-A, 506 IPC pertaining to Police Station Samana, which was tried by the Court of learned Sub Divisional Judicial Magistrate, Samana who vide judgment dated 19.10.2013 dismissed the same. Aggrieved over these findings, the complainant filed an appeal before the Court of learned Additional Sessions Judge, Patiala which was also dismissed through judgment dated 29.04.2014 resulting into initiation of the present criminal revision by the petitioner with the aid of Section 401 Cr.P.C.

The brief allegations of the petitioner complainant were to the effect that her marriage was solemnized with accused Ranjit Singh, out of

which a daughter and a son were born to the couple. It is alleged that after birth of the girl child, the attitude of the family of her in-laws underwent a change and they started harassing her and physically abusing her and asking her to bring the expenses of the newly born child from her parents. The complainant alleges that a number of times, she was thrown out of her matrimonial home and on 13.01.2007 the accused had made an unsuccessful attempt to kill her and when her parents arrived, the accused had assaulted them and thereafter a panchayati compromise was arrived at between the parties and subsequently she has been turned out of her matrimonial home, leading to initiation of prosecution of the present case.

The accused have been charged for commission of offences punishable under Sections 406, 498-A, 506 IPC. As has been observed by the two courts below, the very complaint which has led to the filing of the FIR is totally silent as to the allegations of any entrustment of articles of Istridhan to any of the accused. The Courts below have drawn a conclusion that after compromise between the complainant and the accused, there is no allegation of demand of more dowry, harassment or physical abuse and there is no specific instance having come about by the complainant regarding these allegations and while in their stand before the Court, the witnesses had materially improved over their previous version. As is observed by this Court, learned trial Court as well as lower

appellate Court have detailed at length that the evidence of the complainant was lacking in material particulars and rather are vague insinuations bereft of any finer details. The allegations of physical abuse by the accused are not at all materially corroborated by any medical means and therefore, have put to doubt the credibility of these allegations. Furthermore, as is there, neither there is any specific stand of the prosecution side as to specific entrustment of articles of Istridhan to any of the accused and their refusal to return back on demand of the complainant and therefore, has even put to doubt the claim of the complainant as to the very criminal breach of trust qua these articles. The learned counsel for the petitioner could not convince this Court how there has been misinterpretation of the evidence resulting in material illegality or perversity in the impugned findings. This Court does not feel inclined to show any indulgence. The revision being hopelessly without merit, stands dismissed.

(FATEH DEEP SINGH)
JUDGE

March 14, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No