

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

CRR No.2095 of 2013

Date of decision: 4th February, 2019

Uma Rani

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Chander Shekhar, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

Aggrieved over an order dated 10.02.2010 of the Court of learned Additional Chief Judicial Magistrate, Yamuna Nagar at Jagadhri dismissing the case of the State filed by the complainant present petitioner Uma Rani and thus, acquitting the accused of the charges so framed, the complainant Uma Rani preferred an appeal against these findings. The Court of learned Sessions Judge, Yamuna Nagar at Jagadhri through impugned findings dated 19.02.2013 dismissed the appeal, which has led to the initiation of the present criminal revision by the petitioner with the aid of section 401 of the Cr.P.C.

The complainant admittedly claims to be married to Subodh Kumar on 24.01.1996 out of which a son has been born to the couple in October 2000. The allegations of the complainant hover around the claim

that since the beginning of the marriage, the accused husband and his close relations were taunting and abusing her for bringing less dowry and had raised a demand of motorcycle. The complainant claims that in March, 1997 her father gave ₹30,000/- to the accused and thereafter, raised a demand of ₹50,000/- to enable them to construct their house. The claim of the complainant states that a conspiracy was hatched to kill her by leaving the gas cylinder open and asking her to prepare tea and had claimed that on 15.03.2001 her husband suffered accidental injuries and she was asked to bring ₹50,000/- from her father and her father paid a sum of ₹30,000/- and alleged that her husband remained in hospital till March 2002 and on account of these accidental injuries he was sexually incapacitated and thus, claims that she was thrown out of her matrimonial home in April 2002 and subsequently she filed the complaint.

Heard learned counsel for the petitioner Mr. Chander Shekhar, Advocate and perused the records.

The accused have been chargesheeted under Sections 498-A, 406, 506 IPC read with Section 34 IPC. As has been observed by the two courts below, there is not even a single instance with particulars as to when, how and in what manner criminality was heaped upon the complainant or as to the allegations of entrustment of articles of the Istridhan to any of the accused which are totally vague and ambiguous

without finer details or the fact that on her demand the accused had refused to return the dowry articles. In the impugned findings, the Court has scanned the findings of the learned Judicial Magistrate and has concurred with the findings that since the complainant and her father in their testimonies have admitted the fact that the accused family owns 36 acres of land and were having a jeep, Maruti car and two motorcycles and therefore, there was no occasion for them to raise a demand of motorcycle and further the fact that after the marriage, the complainant was made to join a class to complete her M.Sc. (Mathematics) for which the husband has been paying ₹1,000/- per month as tuition fee. Further it has been observed that as per the own stand of the complainant, while she was pregnant and staying in her parents home, the accused husband used to take her for medical check up and help her and care for her. The Court has taken cognizance of the fact that a compromise was arrived at between the parties on account of medical incapacitation of the husband who had undertaken to pay ₹2.00 lacs every six months to the complainant for her up-keep and it was the own volition of the wife that she started living separate from the husband and subsequently filed the complaint. In the light of these serious drawbacks, the Court has drawn a conclusion that neither handing over of any of the articles of Istridhan to

any of the accused stands proved much less any breach of trust qua them.
Further, even the allegations of cruelty are vague and ambiguous.

Learned counsel for the petitioner could not convince this Court as to any illegality or perversity that had come about in the impugned findings. This Court does not feel inclined to show interference and as such the revision petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 4, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No