

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

**CRM-A-593-2019 (O&M)
Decided on : 27.02.2020**

Kamalpreet Kaur

. . . Applicant(s)

Versus

Kamalpreet Singh and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. V.K. Sandhir, Advocate
for the applicant(s).

MANJARI NEHRU KAUL, J. (Oral)

The present application has been filed under Section 378 (4) Cr.P.C., seeking grant of special leave to appeal against the order dated 08th December, 2018, passed by the Ld. Judicial Magistrate 1st Class, Amritsar (hereinafter referred to as 'the Ld. Trial Court'), vide which the complaint filed by the applicant was dismissed and accused-respondents No.2 to 4 have been discharged of the offences.

The appellant was married with respondent No.1 - Kamalpreet Singh on 1st December, 2013. She was maltreated in the matrimonial home and subjected to cruelty, as the respondents were dissatisfied with the dowry which she had received at the time of marriage. Soon after the marriage, her husband Kamalpreet Singh (respondent No.1) left for Dubai, leaving her to the mercy of the other respondents, who would physically and mentally harass and assault her. They would make continuous demands of car and cash from her parents. She was, thereafter, thrown out of her matrimonial home and told that until or unless, she did not fulfill their demands, she would not be allowed to enter her matrimonial home. The complainant along with her parents and other respectables made attempts to amicably

settle the dispute with the respondents and requested them to rehabilitate the complainant (petitioner herein) in the matrimonial home, but it was all in vain. It was in the above circumstances, a complaint was filed against the respondents for the commission of offences punishable under Sections 406, 498-A, 506, 34 IPC.

It has been urged by the learned counsel for the petitioner that the learned Court below fell in grave error while discharging the respondents, despite the fact that the complainant had given specific instances of cruelty and harassment, which was meted out to her on account of dowry demands. It was further submitted that the witnesses, who were examined as CW-2/Rupinder Kaur and CW-Palwinder Singh, corroborated the version of the complainant, yet the Court below passed the impugned order.

I have heard learned counsel applicant and gone through the impugned order as well as the other material on record.

A perusal of the impugned order as well as the complaint filed by the applicant reveals that she stayed in the house of her in-laws only for three months after her marriage with respondent No.1 – Kamalpreet Singh. In the complaint, she had alleged that the respondents i.e. her mother-in-law, brother-in-law and sister-in-law subjected her to acute harassment along with her husband – Kamalpreet Singh, who admittedly, left for Dubai within a month of the marriage.

I am unable to agree with the learned counsel for the applicant that specific instances of cruelty have been given against the respondents. In fact, a perusal of the complaint reveals that only vague and general allegations of cruelty and harassment have been levelled against the

respondents *qua* dowry demands and harassment, and no cogent and convincing evidence has been led, which could lend credence to the allegations levelled against the respondents. Not only this, there are material contradictions, which appear in her deposition when she stepped into the witness-box as CW-1, wherein, she has admitted that no articles were given to the accused at the time of marriage, which is contrary to the allegations levelled in the complaint about the huge dowry, which was given at the time of her marriage. Once there are contradictions with respect to whether dowry was given or not at the time of marriage, the question of alleged entrustment of dowry at the time of marriage also makes the case of the complainant highly doubtful. Further, in her cross-examination, she has come with an altogether contrary version that ₹ 2.00 lakhs had been given to the respondents at the time of the marriage, however, the same too is also not supported by any evidence, much less, documentary.

In view of the above, I do not consider it to be a fit case for grant of special leave to appeal under Section 378(4) Cr.P.C., as this Court does not find any infirmity or perversity in the impugned order passed by the Court below.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 27, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*