

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20479-2019

Date of decision: 06.02.2020

Palwinder Kaur @ Mohinder Kaur

.... Petitioner

Versus

Gurjant Singh and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sarbjit Singh Grewal, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Prayer made in this petition under Section 482 Cr.P.C. is for quashing the impugned orders dated 28.02.2017 and 12.03.2019 (Annexures P-2 and P-3 respectively) passed by the learned Courts below vide which the accused-respondents were discharged from the charges under Section 406 and 498-A of IPC.

2. Learned counsel for the petitioner inter alia contends that the Courts below gravely erred in discharging the accused-respondents for the charges under Section 498-A and 406 of IPC by failing to appreciate that their existed sufficient prima facie case against the respondents-accused of subjecting the complainant to harassment and assault on account of dowry demand.

3. I have heard learned counsel for the petitioner and gone through the impugned orders.

4. Admittedly, the marriage between the parties was solemnized on 20.03.2003 and the complaint against the respondents-accused was filed by the complainant after a gap of the 8 years i.e. on 12.05.2011. It is the own case of the complainant that it is only after one year of the marriage that the respondents-accused started harassing her with regard to the articles of dowry brought by her in the marriage. This clearly establishes that subsequent to her marriage, she was freely using the istridhan given to her at the time of marriage. Had the istridhan not been given to her for use in the first year of the marriage, it goes without saying that she would not have deposed that everything was normal and fine for one year after her marriage. Hence, in this background once the istridhan was in her possession, an offence under Section 406 would not be attracted. Even qua the allegations of demand of dowry articles, only vague allegations have been levelled against the respondents-accused inasmuch as no specific time, date or month has been mentioned. Her allegations against the respondents-accused of subjecting her to merciless beatings and that too at her parental house cannot be digested. It cannot be believed that the respondents-accused would have subjected her to severe physical assault in her parental home and the complainant or her parents would have chosen to sit quiet about the same. The length and breadth of the evidence led by the complainant clearly reveals material improvements and exaggerations for which the respondents-accused have rightly been given the benefit of doubt and discharged from the charges under Section 406 and 498-A.

5. Therefore, in my opinion, there is no illegality or perversity in the impugned orders passed by the trial court.

6. Consequently, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

06.02.2020
Dinesh

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