

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

**CRR-2773-2012 (O&M)
Decided on : 27.01.2020**

Nachhattar Kaur

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Mohit Jaggi, Advocate
for the petitioner(s).

Ms. Jaspreet Kaur, Asstt. AG, Punjab.

Mr. Saurav Bhatia, Advocate
for respondents No.2 to 5.

MANJARI NEHRU KAUL, J. (Oral)

The instant revision petition has been directed against the impugned judgments passed by the Courts below, whereby, respondents No.2 to 5 namely Nand Singh, Mohinder Singh, Pargat Singh and Mohinder Kaur, were acquitted of the charges under Sections 494, 420, 406, 120-B IPC in case FIR No. 28, dated 07.05.2005.

It has been urged by the learned counsel for the petitioner that after her marriage with Jagroop Singh (husband), he left for the USA and would visit India occasionally. After a couple of years, she learnt that her husband Jagroop Singh had got married to another lady during the subsistence of their marriage. It was alleged that the second marriage of her husband Jagroop Singh had been performed in connivance with the accused-respondents No.2 to 5 and therefore, they had committed an offence under Sections 420, 494, 120-B IPC. It was also alleged that about 7 to 8 years prior to the registration of FIR in question, her father-in-law and

brother(s)-in-law (respondents-accused) had taken her gold ornaments weighing 25 tolas and silver weighing approximately 1 kilogram and purchased some land with an assurance that it would be purchased in her name. However, later on, she learnt that they had cheated upon her. When she asked them to return her dowry articles, she was threatened with dire consequences. On 21st October, 2004, at about 11:00 P.M. in the night, she was thrown her out of the house by the respondents-accused, who asked her to go and commit suicide. It was in the circumstances that the FIR in question under Sections 420, 406, 494, 506 and 120-B IPC was lodged by the petitioner.

Learned counsel for the petitioner vehemently argued that the learned Courts below gravely erred in dismissing the complaint on the ground that a separate complaint was required to be filed under Section 198 of Cr.P.C., without appreciating that no separate complaint was required to be filed by the complainant, as non-cognizable offence can always be clubbed with a cognizable offence in the FIR. It was, thus, submitted that despite there being sufficient evidence on record to prove the second marriage of Jagroop Singh, the learned Courts below had not appreciated the evidence led in the right perspective.

Learned counsel for respondents No.2 to 5 on the other hand while opposing the submissions made by the learned counsel for the petitioner-revisionist submitted that the learned Courts below had passed the impugned orders on sound legal grounds, as no FIR could have been registered under Section 494 IPC, as provisions of Section 198 Cr.P.C. were mandatory in nature. It was submitted that *qua* the allegation of Jagroop Singh having solemnized the second marriage, there was no convincing

evidence to substantiate the said allegation. Not only this, even the allegations of the respondents-accused depriving her of her gold and silver ornaments on the pretext of purchasing land in her name was not supported by any cogent and convincing evidence.

I have heard learned counsel for the parties and have gone through the impugned judgments as well as the evidence and other material on record.

A bare reading of Section 198 Cr.P.C., leaves no manner of doubt that a complaint by an aggrieved person would be an essential requirement in a trial under Section 494 IPC, however, it is a matter of record that no such complaint was ever filed by the complainant. Once no such complaint was filed under Section 494 IPC, the impugned judgments cannot be faulted with.

Even *qua* the allegations under Section 406, 420, 120-B IPC against the respondents-accused, no cogent and convincing evidence has been adduced during the trial.

In view of the above, this Court does not find any infirmity and perversity in the impugned judgments passed by the Courts below, which would warrant the interference of this Court to exercise its revisional jurisdiction. Consequently, the instant revision petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 27, 2020

J.Ram

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