

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

CRR No.1828 of 2015

Date of Decision.03.03.2020

Savita

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. V.S. Punia, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

None for respondents No.2 to 5.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed seeking to challenge judgment dated 07.12.2003 passed by Sub Judicial Magistrate, Narwana, District Jind in FIR No.52 dated 14.02.2009 under Sections 498-A, 406, 34 IPC registered at Police Station City Narwana whereby the private respondents No.2 to 5 have been acquitted from the charges framed against them and judgment dated 05.01.2005 passed by Sessions Judge, Jind whereby criminal appeal filed against the aforementioned judgment has been dismissed.

Brief facts of the case are that father of the petitioner herein filed a complaint before the Deputy Superintendent of Police, Narwana with the allegations that the marriage of his daughter was solemnized with respondent No.2-Vikas on 6.12.2005 according to Hindu rites and ceremonies. He had spent huge amount on her marriage and gave sufficient dowry articles. Respondent No.5, who was brother-in-law of respondent No.2 was mediator of said marriage. Respondents No.2 to 4 being

dissatisfied with the dowry articles, only after five days of marriage started taunting her that if respondent No.2 had been married at some other place then at least ₹20 lakhs would have been spent and therefore, demanded dowry. Petitioner herein told all these incidents to the father-complainant when she visited her house after one month of marriage. After staying in her paternal house for 10 days when she went back to her in-laws house, respondent No.2 eloped away and after six months, it was known that he was living at Panipat. During the period of six months, petitioner herein faced great hardship as her father-in-law and brother-in-law gave her beatings and taunted her for bringing less dowry. Petitioner herein tolerated all these cruel acts of respondents to save her married life but respondents threw her away after giving beatings, saying that if she wanted to stay in her matrimonial then she should bring ₹15 lakhs from her parents so that respondent No.2 could purchase a house and shop at Panipat. Respondents also refused to return the *shtridhan*. Thereafter, the complainant convened a panchayat and tried to persuade the respondents but in vain.

On the aforesaid complaint, a case under Sections 498-A and 406 read with Section 34 IPC was registered at Police Station, City Narwana and the investigation was conducted. After completion of investigation, challan had been presented and respondents No.2 to 5 were charge-sheeted under aforementioned sections.

The prosecution and defence led their respective evidence and on appreciation of oral as well as documentary evidence, the trial Court vide judgment dated 07.12.2013 found that the prosecution had miserably failed to prove its case beyond all shadows of reasonable doubt for the alleged commission of offences punishable under Sections 406 and 498-A read with

Section 34 IPC and therefore, acquitted respondents from charges framed against them. An appeal preferred against the aforementioned judgment before the appellate court had also been dismissed.

Learned counsel appearing on behalf of the petitioner would submit that the judgments under challenge have been passed on conjectures and surmises as both the courts below have ignored evidence of PW1 and PW3. Both the Courts below have not illustrated ingredients of provisions of Sections 498-A, 406 read with Section 34 IPC in a correct manner, while further arguing that statement of PW-6 SI Vijay Singh, who arrested respondent No.2 and got recovered dowry articles has been ignored. Moreover respondent No.2 suffered a disclosure statement before PW-7 ASI Ram Mehar.

There is no representation on behalf of respondents No.2 to 5, despite being duly served and represented by a counsel.

I have learned counsel for the petitioner and with his assistance have also gone through the paper book. PW1 is the complainant and PW-3 is the victim, who is petitioner herein. Both of them had reiterated the version of complaint, a perusal of which would reveal that allegations levelled against respondents No.2 to 4 are general allegations of demand of dowry, as no particular date, month or year has been mentioned. Petitioner in her cross-examination admitted that at the time of marriage, there was no demand of dowry from the side of respondents. Though there are allegations of beatings but at no occasion, she was medico-legally examined. In her statement under Section 161 Cr.P.C., she has not mentioned any specific instance of her alleged harassment and maltreatment. The complainant in his cross-examination admitted that in the

enquiry conducted by women cell, respondent No.5 was found innocent.

It is settled law that where a complaint contains only vague allegations without details and without specific allegations with reference to date, the complaint has to fail. There are also no specific allegations regarding entrustment of any particular dowry article to any particular individual to substantiate allegation of misappropriation of dowry articles. The list of dowry articles recovered by police would reveal that they are all gift items given at the time of marriage by parents out of love and affection.

In the absence of any cogent evidence, both the Courts below have rightly acquitted respondents No.2 to 5. I do not find any reason to interfere with the well reasoned judgments passed by the Courts below. Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

March 03, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No