

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

**CRR-3420-2015 (O&M)
Decided on : 30.01.2020**

Kanchan Bala

. . . Petitioner(s)

Versus

Raman Munjal and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Jaswinder Singh Grewal, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant revision petition has been directed against the judgment dated 04th June, 2015, passed by the learned Additional Sessions Judge, Fazilka (for brevity 'lower Appellate Court'), vide which the judgment dated 17.04.2014, passed by the learned JMIC, Abohar (in short 'trial Court'), was set aside and respondent No.1 was acquitted in case FIR No. 92, dated 03.04.2008, for offences under Sections 406, 498-A IPC, registered at Police Station City 1, Abohar.

The prosecution case in brief was that the complainant moved an application before the Senior Superintendent of Police (SSP), Ferozepur, wherein, she stated that on 21st January, 2007, she was ousted from her matrimonial home by her in-laws after subjecting her to physical assault on account of demand of dowry. Thereafter, the SSP, Ferozepur, ordered the case to be presented before the Women Cell, Ferozepur, where, the in-laws family of in-laws of the complainant sought 15 days time. However, they resiled from their statement and only the statements of the parents and relatives of the complainant thus recorded by the Women Cell, Ferozepur.

It was alleged that she was telephonically informed that action would be

taken against the in-laws and her signatures were thereafter obtained on blank papers. Since, no action was initiated, she again appeared before the SSP, Ferozepur. The in-laws family, allegedly got an MLR fabricated in the meanwhile, so as to falsely implicate the complainant. As a result of which, the matter was compromised before a Panchayat. The compromise was short lived. The complainant was again turned out of her matrimonial home, after being subjected to physical assault. She was admitted to Civil Hospital, Abohar, by her parents. Thereafter, a case FIR No. 92, dated 03.04.2008, under Sections 406, 498-A IPC, was registered against the accused.

Since, a *prima facie* case was made out against the accused, they were charged for the offence under Sections 406, 498-A IPC, to which they pleaded not guilty and claimed trial. In support of her case, the complainant stepped into the witness-box as PW-1, besides examining 10 other witnesses. All the incriminating circumstances appearing against the accused were put to them under Section 313 Cr.P.C., to which they pleaded false implication and innocence.

On an analysis of the evidence adduced, respondent-accused Raman Munjal was convicted by the learned trial Court under Section 498-A IPC, but acquitted under Section 406 IPC. The remaining accused were acquitted by the learned trial Court. The complainant thereafter preferred an appeal before the learned Additional Sessions Judge, whereby, she sought enhancement of sentence of respondent-accused Raman Munjal and the conviction of the acquitted accused.

The Court of Additional Sessions Judge, dismissed the appeal preferred against the remaining accused and also acquitted Raman Munjal

of the offence under Section 498-A IPC.

I have heard learned counsel for the petitioner and have also perused the evidence and other material on record.

A perusal of the allegations levelled against the accused in the FIR in question is to the effect that all the accused misappropriated the dowry, which was given to the complainant at the time of her marriage by her parents and she was subjected to cruelty by them.

On a minute perusal of the testimonies of the complainant as well as her father, who stepped into witness-box as PW-2, there are major contradictions in their testimonies, which raise a big question mark *qua* the authenticity of the allegations levelled against the accused-respondents including Raman Munjal. On one hand, complainant alleged that there had been repeated demands of dowry and various household articles were purchased by her father at the time of her marriage, on the other, it transpires that in an application, which was moved on 07.02.2008 by the complainant, no such allegations were levelled against the accused, as levelled in FIR. Not only this, the complainant in her testimony as PW-1 stated that her sister-in-law had demanded one motorcycle and gold chain from her parents, however, there is not a whisper in the FIR in this regard. As per the testimony of the father, who appeared as PW-2, he deposed that the demand of motorcycle and cash amount of ₹ 50,000/- was made from his daughter and not him, which runs contrary to the testimony of the complainant. It is an admitted case that the complainant after her marriage continued living in her matrimonial home till 2007 and had been using all the articles, which were given at the time of her marriage by way of gifts etc. by her parents and other relatives. Hence, in this background,

the allegations of the complainant that all her dowry articles had been handed over and entrusted to her husband and other family members demolishes her own case. It is very apparent that differences cropped up between the parties and in order to wreak vengeance on the accused-respondents, a fabricated version was weaved by the complainant party. In fact, it is the admitted case of the complainant party that the dowry articles were handed back to them in the presence of witnesses. Even *qua* the offence under Section 498-A IPC, the evidence of PW-4 Dr. Govind Aggarwal, clearly reveals that there were no external injury marks found on the person of the complainant and the three injuries, just pertained to pain, which as per the Doctor could be the result of some internal disease. Further, it does not appeal to reason and cannot be digested that on 09.01.2008, when the complainant along with her other family members visited her matrimonial home with a request to amicably settle the dispute, she was subjected to physical assault and that too in the presence of her family members, who were accompanying her. Strangely, none of the alleged eye-witnesses to the physical assault were examined by the complainant in support of her case for reasons best known to the prosecution.

In view of the vague and general allegations of harassment levelled against the accused as also the material contradictions appearing in the testimonies of the witnesses, the learned lower Appellate Court rightly set aside the judgment dated 17.04.2014, of the learned trial Court and acquitted the accused-respondent Raman Munjal in aforesaid FIR.

In view of the above, this Court does not find any infirmity and perversity in the impugned judgment dated 04th June, 2015, which would

warrant the interference of this Court to invoke its revisional jurisdiction.

The instant revision petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 30, 2020

J.Ram

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