

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

CRR-2680-2016

Decided on : 12.02.2020

Samundri

. . . Petitioner(s)

Versus

Lekhraj and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. I.S. Saggu, Advocate
for the petitioner(s).

Mr. Saurav Verma, Advocate
for respondents No.1 to 4.

Mr. Ashish Sanghi, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

The instant revision petition has been directed against the impugned judgments passed by the Courts below, whereby, respondents No.1 to 4 were acquitted of the charges under Sections 498-A, 406 IPC.

As per the prosecution case, the marriage of the petitioner (complainant therein) was solemnized with respondent No.1 – Lekhraj on 29th January, 2003. Sufficient dowry articles were given at the time of the marriage at the behest of respondent No.3 – Kailash, who was the mediator between the parties. However, soon after the marriage, the respondents-accused raised a demand of ₹ 1.00 lakh and a motorcycle for which she would be subjected to physical and mental harassment. When the petitioner told her father about the harassment being meted out to her, a Panchayat was convened and efforts were also made to amicably settle the dispute. However, it did not help matters, as the harassment by the respondent-accused continued thereafter as well. On the retirement of the petitioner's

(complainant) father, a demand was again made of ₹ 1.00 lakh and a motorcycle along with ₹ 1200/- p.m. as house rent to be given to the respondent-accused. Resultantly, a complaint was filed against the accused persons. The matter was, however, compromised and the petitioner (complainant) returned to her matrimonial home. But the same was short-lived, as she was again subjected to physical and mental harassment and threatened with dire consequences, if she moved any more complaints against them. It was in these circumstances that FIR No. 187, dated 23rd August, 2004, under Sections 498-A, 406 IPC was registered against the respondents-accused.

After the investigation had been carried out, the respondents-accused were challaned and put to trial. The prosecution examined 04 witnesses including the complainant. 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, the Courts below acquitted the respondents-accused, as the prosecution failed to establish its case in any manner.

It has been urged by the counsel for the petitioner that despite there being sufficient evidence on record to prove the offences under Sections 498-A, 406 IPC against the respondents-accused, the Courts below failed to appreciate the same in the right perspective and wrongly acquitted the respondents-accused of the offences they were charged with.

Counsel for respondents No.1 to 4 while opposing the submissions made by counsel for the petitioner submitted that respondents-accused had rightly been given the benefit of doubt and acquitted as there

were glaring lacunas in the case of the prosecution. It was further argued that only bald and vague allegations of physical and mental harassment had been levelled against the respondents-accused and in support thereof, no cogent and convincing evidence was led, so much so, PW-2 – Arvind Kumar, who was none other than the landlord of the house, wherein, the petitioner (complainant) along with respondent No.1 was residing, admitted that he never witnessed any quarrel, much less, any physical or mental harassment, which may have been meted out to the petitioner (complainant).

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

The case of the prosecution is that on account of the continuous harassment being meted out to the petitioner, Panchayats were convened, which proved to be futile. The least that the petitioner (complainant) could have done was to examine some members of the said Panchayat, which admittedly, was not done for reasons best known to the prosecution. I have no reason to not concur with the findings recorded by the learned Courts below *qua* the failure of the prosecution to prove the misappropriation of dowry articles given to the in-laws of the petitioner (complainant) at the time of her marriage, as admittedly no documentary evidence in support thereof was adduced. On the one hand, it is the case of the prosecution that the complainant with her husband (respondent No.1) was residing separately on rent and on the other, it is her case that her dowry articles had been misappropriated by the respondent-accused including her in-laws. Once, it is her own admitted case that she was not residing with her in-laws family, the question of misappropriation of dowry articles does not arise. Moreover, PW-2/Arvind Kumar, who is none other than the landlord of the

house, wherein, the parties were residing, admitted that he did not witness any fight or quarrel between the parties on account of dowry demands. It would be pertinent to mention that as per the admission of PW-2/Arvind Kumar, he was residing on the ground floor of the house while the petitioner (complainant) along with respondent No.1 was residing on the first floor. Hence, in this background, a big question mark is indeed raised about the veracity of allegations of physical and mental harassment, which were levelled by the petitioner (complainant) against the respondents-accused.

Hence, in view of the gaping holes appearing in the case of the prosecution, a serious dent is created on the authenticity of the allegations levelled by the petitioner (complainant). 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

February 12, 2020

J.Ram

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