

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-801-2018 (O&M)

Date of Decision : 25.02.2020

Laxmi.....Petitioner

VERSUS

State of Haryana and others..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. Baljinder Singh, Advocate for
Mr. Johan Kumar, Advocate
for the petitioner.

Mr. D.R.Singla, DAG, Haryana.

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MANJARI NEHRU KAUL, J.

CRM-7672-2018

This is an application for condonation of delay of 05 days in
filing the present revision.

For the reasons mentioned in the application, the same is
allowed and delay is condoned.

CRR-801-2018

The instant revision has been preferred against the judgment
and order of dismissal dated 23.10.2017 passed by the learned Additional
Sessions Judge, Faridabad, vide which the judgment dated 10.11.2014
passed by the JMIC, Faridabad, was challenged by the complainant wherein
she had impugned the acquittal of the private respondents for offences

The case of the prosecution in brief was that the complainant-Laxmi was married to the respondent No.2-Hemant on 10.02.2004. At the time of her marriage she had been given sufficient dowry. However, it failed to satisfy her in-laws for which she was continuously harassed and tortured by the respondents. The respondents would often make a demand of Rs.05 lakhs or in lieu of that, a demand of car was made. As the complainant showed her inability to accede to their demands, the respondents beat her up mercilessly and turned her out of the matrimonial house in June 2004. It was alleged that the parents of the complainant tried to pacify the private respondents-accused and even panchayats were convened but it proved to be of no avail. Subsequently, the private respondents came to the house of the complainant and after giving an assurance to her parents that the complainant would be kept properly, they took her back to the matrimonial home. The behaviour of the private respondents, however, showed no signs of change and finally in June 2005, after being subjected to severe beatings, the complainant was again thrown out of the matrimonial home. It was in this background, FIR No. 370 dated 22.07.2008 was lodged by the complainant under Sections 498-A and 406 IPC against the private respondents.

After investigation, the charges were framed and the private respondents were put to trial.

The prosecution examined six witnesses including the complainant-Laxmi who stepped into the witness box as PW5 and her father Daya Nand Sharma who testified as PW6. All the incriminating evidence appearing against the private respondents was put to them under Section 313 Cr.P.C. to which they pleaded false implication and denied all the

allegations levelled against them.

In their defence, the private respondents examined two witnesses and tendered other relevant documents.

Both the Courts below on appraisal of the evidence and other material on record, acquitted the private respondents.

Learned counsel for the revisionist has vehemently argued that the courts below fell in grave error by ignoring that sufficient and cogent evidence had been led by the prosecution to substantiate the allegations of mental harassment and physical torture meted out to the complainant during her stay in the matrimonial home. It was urged that specific instances had been spelt out by the complainant in the FIR as well as in her testimony in the court against the private respondents yet the courts below acquitted them of the charges framed against them under Sections 406 and 498-A IPC. Not only this, even the father of the complainant, who deposed as PW6, fully supported and corroborated the version given by his daughter i.e. complainant-Laxmi.

I have heard the learned counsel and have minutely examined the evidence and other material on record.

A perusal of the evidence led as well as the testimony of the material witnesses i.e. complainant and her father, reveals that there are glaring material contradictions in their testimonies which without a doubt create a serious dent in the prosecution case. On one hand, the case of the complainant was that she was ousted from her matrimonial home by the private respondents in June 2004, however, while appearing as PW5 she deposed that it was on the asking of her parents that she had left for her parental home. In her deposition in the court she stated that on return to her

matrimonial home on 07.02.2005, she was kept and treated nicely for some time and subsequently she was again subjected to physical and mental torture. However, this version is at total variance with her complaint wherein she alleged that on her return in February 2005 to her matrimonial home, the behaviour of the private respondents continued to be as bad as before and she would be subjected to physical and mental torture on account of demand of dowry. Still further, no member of the panchayat who mediated between the parties was examined by the complainant nor any time or date when the panchayats were convened were given out by the complainant or her father PW6 for reasons best known to them. It is indeed very strange that on one hand as per complainant and her father PW6 panchayats were convened and the complainant also wanted to return to her matrimonial home, but it was the husband of the complainant who filed a petition under Section 9 of the Hindu Marriage Act, 1955 and not the complainant. Not only this, as per allegations the complainant was mercilessly assaulted and thrown out of the matrimonial home in June 2005. Thus, the least the prosecution could have done was to place on record some authentic medical evidence to lend credence to her allegation of merciless assault. As per her father PW6, he had to get his daughter i.e. complainant medically treated at a nursing home. However, only a prescription slip 'Mark A' was placed on record by the prosecution which demolished the case of the prosecution even further. Nowhere the said document revealed any injuries on the person of the complainant. Strangely, no doctor from the nursing home where the complainant was allegedly treated was examined to substantiate the factum of treatment received at the nursing home.

This court has no hesitation in holding that the judgment and

order dated 23.10.2017 passed by the learned Additional Sessions Judge, Faridabad, does not warrant any interference as the same is a well reasoned one.

Petition is dismissed.

**(MANJARI NEHRU KAUL)
JUDGE**

25.02.2020
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Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No