

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.219-2

CRM-A-1426-MA-2015
Date of decision: 14.03.2022

Leena

....Appellant

Versus

Krishan Lal and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rakesh Nagpal, Advocate
for the applicant.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The appellant/complainant seeks grant of leave to appeal against the order dated 06.06.2015 passed by the Judicial Magistrate, Ist Class, Kaithal (for short – the Trial Court) through which the respondents/accused were acquitted.

The facts, in brief, which are required to be noticed are that on 09.11.2005, the appellant got married to Suraj Malhotra. Respondent No.1 is Suraj Malhotra's father and respondent No.2 is his mother. Out of the wedlock, two children namely Janvi and Manthan were born. Unfortunately, Suraj Malhotra expired on 26.01.2010. The appellant filed a complaint before the police with regard to her being tortured at the hands of the respondents as also that they had dishonestly misappropriated her stridhan. On the appellant's complaint, the FIR in question was lodged and investigation conducted in pursuance thereof found the respondents guilty of the alleged offences. Accordingly, the police filed a report under Section 173 Cr.P.C. on the basis whereof the respondents were later charged by the Trial Court. However, after evidence was led, the Trial Court through the

impugned judgment acquitted the respondents.

Learned counsel for the applicant submits that in addition to there being ample evidence on the record, which was duly proved, there was also the admission by the respondents that the appellant's istridhan in the form of furniture etc was still lying in their house and that the allegations of cruelty upon the appellant, at the hands of the respondents, both physical and mental, were also duly proved before the Trial Court.

Before the Trial Court the appellant failed to discharge her burden of proving that the respondents had committed any offence under Section 406 IPC as two different lists of dowry articles allegedly entrusted by her to the respondents were produced by her before the Trial Court. They were at variance. Further, in the complaint filed by her under the Protection of Women from Domestic Violence Act, 2005, she had also filed a list of entrusted dowry articles. However, in such proceedings the entrustment of dowry articles was shown by her with her sisters-in-law and not to the respondents. Still further, while appearing before the Trial Court, the appellant had failed to even give details of entrustment of dowry articles.

The appellant's case that she was thrown out of the matrimonial home was rejected by the Trial Court on the strength of the statement made by the appellant's mother that the appellant had come to her parental home alongwith her father-in-law.

No medical evidence was also led by the appellant to support her allegations of merciless beatings given to her by the respondents.

In the light of the above as also because the appellant did not produce any document with regard to any complaint by her of any torture/harassment between the date of her marriage and the date of death of

her husband, this Court is of the opinion that the findings of the Trial Court warrant no interference especially because the allegations by the appellant with regard to the demand of dowry and beatings by her in-laws appellant never raised by her for over 04 years and 02 months when her husband was alive and emerged only after his death as also because the respondents are both senior citizens who also lost their son over 12 years ago.

Leave is denied.

Dismissed.

March 14, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No