

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.219

CRR-2484-2015

Date of decision: 14.03.2022

Leena

....Petitioner

Versus

Krishan Lal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been preferred against the order dated 30.03.2013 passed by the Judicial Magistrate, Ist Class, Kaithal (for short – the Trial Court) dismissing a petition filed by the petitioner under Section 12 of the Protection of Women from Domestic Violence Act, 2005. Also under challenge is the order dated 07.05.2015 passed by the Additional Sessions, Judge, Kaithal (for short – the Appellate Court) dismissing the petitioner's appeal filed by her against the aforesaid order of the Trial Court.

The facts, in brief, which are required to be noticed for adjudication of the present petition are that on 09.11.2005, the petitioner got married to one Suraj Malhotra. Respondent No.1 is Suraj Malhotra's father, respondent No.2 is his mother and respondents No.3 and 4 are his sisters. Out of the wedlock, two children Janvi and Manthan were born. Unfortunately, Suraj Malhotra expired on 26.01.2010. Soon thereafter the petitioner filed a complaint with the police with regard to her being tortured at the hands of the respondents as also that they had dishonestly misappropriated her istridhan. On the petitioner's complaint, a

FIR was lodged and investigated which found the respondents to be 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.

In the meanwhile, on the same set of facts, as above, the petitioner also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short – the 2005 Act). After consideration of the evidence led by both parties, the Trial Court, through the impugned order dated 30.03.2013, dismissed the same. Such order was challenged by the petitioner through an appeal, which was also dismissed by the Appellate Court through its order dated 07.05.2015. Aggrieved by the afore orders of the Trial Court and the Appellate Court, the petitioner has knocked the doors of this Court through the instant petition.

Learned counsel for the petitioner 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 petitioner's istridhan in the form of furniture etc was still lying in their house and that the allegations of cruelty upon the petitioner, at the hands of the respondents, both physical and mental, were also duly proved before the Trial Court.

The petitioner failed to place on record any bill or receipt of the dowry articles allegedly entrusted to the respondents. The list of dowry articles filed alongwith the complaint also was not proved by her. In fact, this Court may take judicial notice of the fact that in parallel proceedings being faced by the respondents under Sections 406, 498-A IPC, the petitioner had produced two separate lists of dowry articles allegedly entrusted by her to the respondents which were not only at variance of each

other but also differed from the list produced in the present proceedings. In the afore-referred criminal proceedings, which were launched against the respondents and were based on similar allegations, they stand acquitted by the Trial Court and such acquittal has been upheld by this Court. Further the version of the petitioner with regard to the entrustment of cash was discarded by the Trial Court on the ground that she had failed to prove such entrustment by leading of any independent evidence or witness. No medical evidence was also led by the petitioner to prove the allegations of merciless beatings given to her by the respondents.

In the light of the above, the concurrent findings recorded by the Trial Court as also the Appellate Court warrant no interference especially when the allegations by the petitioner with regard to the demand of dowry and beatings by her in-laws were 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 respondents No.1 and 2, who are senior citizens and respondents No.3 and 4, who are sisters, also lost their son and brother over 12 years ago.

Dismissed.

March 14, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No