

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

CRR No. 2656 of 2018 (O&M)

Date of decision: 16.11.2022

Tajinder Kaur

...Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashok Giri, Advocate and
Ms. Neha Giri, Advocate
for the petitioner/complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision is for setting aside the judgment dated 02.12.2014, vide which the respondents/accused were acquitted of the charges framed against them under Sections 148, 380, 506, 298 of the IPC; as well as for setting aside the judgment dated 08.02.2018, vide which the appeal filed by the petitioner/complainant against the said judgment of acquittal was dismissed by the lower appellate Court.

The brief facts of the case of the case are that the present FIR was registered at the instance of petitioner/complainant Tajinder Kaur with the allegations that she is an NRI from England and she is daughter of Sant Kartar Singh. They are having a *Dera* in Village Nandanpur known as Raja Sahib da Dera. It is further stated that Sant Kartar Singh, during his lifetime, had executed a Will in her favour qua his entire movable and immovable property and she appointed sewadar for managing the day to day affairs of said *Dera*, however, some of the relatives of Sant Kartar Singh were creating problems with the help of co-accused, named in the FIR. It is further stated that accused persons are threatening her and in her absence,

they broke open the locks of various rooms of *Dera* as well as *Golak* in the *Gurdwara Sahib*. It is further stated that the accused persons are threatening the complainant that she will be killed.

On completion of investigation, the *Challan* was presented and the charges were framed under Sections 148, 380, 506, 298 read with Section 149 of the IPC. Thereafter, the prosecution examined six witnesses to prove its case and the accused persons examined Balwinder Singh as DW-1, who was the former Sarpanch of the village.

The trial Court, after hearing both the parties and appreciating the evidence and material brought on record, acquitted all the accused persons by holding that the prosecution has failed to prove that the accused persons, in conspiracy with each other, with a common object formed an unlawful assembly and committed the offence of criminal intimidation against the petitioner/complainant or committed the theft digital camera, DVD player, 275 pounds and other articles lying in the Dera or uttered any word with intention to hurt religious feeling of the petitioner/complainant.

Aggrieved against the aforesaid judgment of acquittal passed by the trial Court, the petitioner/complainant preferred an appeal before the lower appellate Court, which was dismissed, vide impugned judgment dated 08.02.2018. Hence, the present revision.

Learned counsel for the petitioner has argued that during investigation, the police has collected certain articles to prove its case. It is further submitted that the police has also recorded the disclosure statement of the accused persons and pursuance thereof, some recovery of pounds was also effected. It is further submitted that in view of the said evidence, the offence punishable under Sections 411, 298-A read with Sections 148, 149 of the IPC.

After hearing learned counsel for the petitioner/complainant and going through the impugned judgments, I find no merit in the present petition.

Both the Courts below have recorded a concurrent finding that the complainant has not alleged in her complaint that the accused persons hurt her religious feelings or uttered any word or made any statement or gesture hurting her religious sentiments, thus, the commission of offence under Section 298-A and 506 IPC is not proved.

The Courts below have also recorded a finding that even there is no allegation in the complaint that the accused persons ever threatened the petitioner/complainant or they formed any unlawful assembly, so as to commit the offence under Section 149 IPC.

After hearing learned counsel for the petitioner and going through the impugned judgments, in view of the limited jurisdiction in criminal revision, this Court is of the opinion that both the Courts below have not committed error in passing the impugned judgments.

Accordingly, the present petition is dismissed.

16.11.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No