

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

CRM-M No.46666 of 2019 (O&M)

Date of decision: 26th April, 2022

Loveleen Kaur

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dinesh Nagar, Advocate for the petitioner.

FATEH DEEP SINGH, J.

Marriage between petitioner Loveleen Kaur and respondent No.2 Maheep Singh was solemnized on 06.10.2011 according to sikh rites and ceremonies. It is subsequent thereto, shortly after marriage the couple fell apart and the wife instituted a criminal complaint against the husband before the Court of Illaqa Magistrate Judicial, Amritsar by way of Annexure P1 under Sections 498-A, 406, 156 IPC. By another quirk of fate, husband too had instituted a petition under Section 13 of the Hindu Marriage Act, 1955 (Annexure P2) before a Court. It was thereafter, the Court of learned Judicial Magistrate 1st Class, Amritsar vide order dated 17.10.2018 (Annexure P3) discharged the accused. The revision petition under Section 397 and 401 Cr.P.C. was filed by wife before the Court of learned Sessions Judge challenging the orders of the Court of Judicial Magistrate 1st Class and the Court of

Additional Sessions Judge vide impugned order dated 27.08.2019 (Annexure P4) upheld the findings of the Magistrate and therefore dismissing the revision petition and aggrieved over the same present petition under Section 482 Cr.P.C. has come about seeking setting aside of orders (Annexure P3 and P4).

Upon hearing learned counsel for the petitioner and perusing the records.

It is well settled proposition of law that provisions of Section 482 Cr.P.C. which are by way of inherent powers of this Court are to be sparingly used only to meet the ends of justice. Learned Judicial Magistrate 1st Class while appreciating the preliminary evidence has given a well reasoned order and interpreted the provisions of Section 245 (1) Cr.P.C. has held that there was not an iota of evidence against any of the accused and therefore, no case for framing of charge was made out and thereby discharged the accused. Section 498A IPC deals with the cruelty of married woman, Section 406 IPC deals with the criminal breach of trust and the present case involves the very articles of istri dhan. The marriage had taken place admittedly on 06.10.2011 and the complaint has come about on 02.05.2015 after almost four years. Nowhere in the evidence of the complainant either by herself as CW1 or in the testimonies of her witnesses CW2 Harjit Singh and CW3 Prem Singh it has come about by what means when and where the acts of cruelty were heaped upon the wife by the

husband and more so there is nothing suggestive as to the handing over of articles of istri dhan to any of the accused and which they refused to return back and mere goods given at the time of marriage do not constitute and fall within the domain of istri dhan of a woman. The Court below considering that there was nothing by way of substantial evidence to further the case of the complainant and entire set of allegations are vague and ambiguous had held it so.

Even the learned revisional Court scanning the order of discharge passed by the learned Magistrate has drawn the conclusion that a full and final settlement between the complainant and the accused side by way of compromise was arrived at whereby the amount of ₹ 2,25,000/- and dowry articles were returned and which has been proved on the records (Annexure P1) and taken into account by the Court. The Court has rightly concluded that the question of misappropriation of the dowry articles does not arise. Furthermore, the Court below in the impugned findings had elaborated the definition of cruelty as enshrined under Section 498 IPC and has termed the allegations to be unsubstantiated, vague and ambiguous one. The Court has held that in the absence of any medical evidence or any particulars of acts of cruelty and in the manner in which they were heaped upon the complainant, the Court was slow to accept a version. Learned counsel for the petitioner could not convince this Court how the order under

challenge was illegal and perverse necessitating intervention by this Court. The petition being hopelessly without merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

April 26, 2022

rps

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