

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-A-1107-2019 (O&M)

Date of order: 23.08.2023

Amarjit Kaur

.....Appellant(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Kunal Sarangal, Advocate
for the appellant.

Mr. Kunwarbir Singh, AAG Punjab.

Nidhi Gupta, J.

Present appeal has been filed against judgment dated 25.09.2018 whereby respondents No.2 and 3 who are mother-in-law and father-in-law respectively of the appellant herein, have been acquitted by Judicial Magistrate, 1st Class, Gurdaspur in a complaint filed by the appellant under Sections 498-A, 506, 406, 34 and 120-B IPC.

2. Learned counsel for the appellant submits that the appellant was married to the son of respondents No.2 and 3 on 16.09.2009. One daughter was born out of this wedlock who is living with the appellant. Private respondents herein used to torture and beat the appellant for bringing less dowry, even though numerous dowry articles in the form of gold jewellery, cash, etc. were given to the private respondents. Learned counsel submits that the accused used to raise demand for motorcycle and cash money. But as the appellant was unable to fulfil the said demands, she was beaten, taunted and tortured. However, in acquitting the respondents

No.2 and 3, the learned trial Court has ignored all these facts, as also the comprehensive and cogent evidence led by the appellant.

3. I have heard learned counsel for the appellant.

4. Perusal of the impugned judgment shows that after appraising and considering the entire facts, submissions, pleadings and evidence and testimonies on record, the learned trial Court has returned the following findings which are reproduced hereinbelow:-

“7.....Therefore, there are three stories with regard to the date on which she was turned out of her matrimonial house and the manner in which her minor daughter was snatched and the amount of Rs. 25,000/- which were alleged to be paid by her husband. Now coming to another relevant point and it is the complaint being treated with cruelty by her husband and his relatives. It is relevant to mention here that the statement of complainant with regard to demand of dowry or Rs. 2 lac and motorcycle is omnibus and vague in nature. The complainant has not specifically mentioned that who had demanded the money or who had demanded the motorcycle from her. Moreso, the complainant had also not mentioned as to who had beaten her or subjected her to harassment or cruelty when the demand was not fulfilled. The complainant at one place has stated that her husband was an alcoholic and he used to demand money and when the same was not meted out he used to beat her. Except for this single instant the complainant has nowhere stated or attributed any instance where the mother and father of the accused Baljit Singh had subjected the complainant with cruelty. The law with regard to demand of dowry says that the demand should be particular and exact vague and general assertions cannot be held to be cruelty for not bringing sufficient dowry. Where the allegations are vague

and bereft of the details as to place and time where the incident same cannot be believed. I further draw support in this regard from the case law titled as **Swapnil and others Vs State of Madhya Pradesh 2014(3) RCR(Criminal) 99 (SC)**, similarly, in **Vipin Jaiswal (A-1) Vs State of A.P Rep. By Pub. Prosecutor 2013(2) RCR Criminal 342 (SC)** whereby the Hon'ble Supreme Court has held that proves that offence under section 498-A, the prosecution has to prove that the accused had subjected the complainant with cruelty as defined in the explanation to Section 498-A Indian Penal Code and in the absence of any evidence, it cannot be said that the accused had subjected the complainant with cruelty. It is also relevant to mention here that as per own witness of complainant namely Gurmit Singh CW-2. Besides this Kulwant Singh the father of the complainant has admitted that he has not placed on file any bill etc to prove the the fact that any dowry was given to accused. The photograph which are placed on file have not been proved as per Section 65-B of Indian Evidence Act, as such, the same was not admissible in evidence. No photographer has been examined and therefore, the present case becomes no evidence case to prove the alleged fact of cruelty by the accused person. It is relevant to mention here that the husband of complainant never came before court and was declared proclaimed person by the court.

8. Therefore, this Court is of the considered view that the complainant failed to make out a case against the accused under the above said offences and accordingly they are acquitted from the charges levelled against them. Accordingly, the personal bonds and surety bonds of the accused stand discharged. The case property, if any, be disposed of under rules after awaiting the result of appeal/revision, if any.

9. File be consigned to Record Room, Gurdaspur after due compilation, to be taken up as and when the accused Baljit

Singh (declared proclaimed offender vide order dated 12.10.2017) appears, or is produced upon arrest by the police.”

5. Learned counsel for the appellant is unable to dispute the above said findings of the learned trial Court, or show anything to this Court to controvert the same. As noticed above, no details whatsoever have been provided/produced by the appellant to substantiate her allegation that the respondents No. 2 and 3 had committed any offence under Sections 498-A,506, 406, 34 and 120-B IPC. In fact, perusal of the record reveals that no specific allegations have been made against the said respondents.

6. Accordingly, I find that no ground is made out to interfere in the impugned order. Present appeal stands **dismissed**.

7. Pending application(s) if any also stand(s) disposed of.

23.08.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No