

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

**CRM-A-1508-MA of 2017
Date of decision: 20th July, 2023**

Paramjit Kaur

Applicant.

Versus

Parkash Singh and others

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Deepak Aggarwal, Advocate for the applicant.

AVNEESH JHINGAN, J (Oral):

1. This application under Section 378(4) Cr.P.C. is filed seeking leave to appeal against the dismissal of complaint filed by the applicant.
- 2 The brief facts are that the applicant filed a complaint alleging that the accused (respondents herein) had forcibly demolished the wall being constructed on the plot of the applicant and stolen the bricks. It would be appropriate to note that there was civil suit pending between the parties.
3. The complaint was dismissed considering that the applicant *prima facie* failed to substantiate the allegations. In her cross-examination, she admitted that bricks were stolen at night and she was not present at the spot. The photographs produced to show that the wall was demolished were found doubtful and the court concluded that there was no occasion for the applicant to click photographs of the construction of the wall. She in her cross-examination further admitted that there was civil suit filed by the accused against the applicant and she suffered financial loss in pursuing civil proceedings. The court concluded that the complaint is a counter blast.
4. Learned counsel for the applicant submits that the evidence adduced was not properly appreciated.
5. The impugned order was passed after appreciating the evidence. Reasons have been recorded that the allegations in the complaint have not been *prima facie* proved.

6. The scope of interference by this court in the order of acquittal is limited. There cannot be re-appreciation of evidence. There is no legal or factual error in the impugned order, much less perversity.
7. No case is made out for grant of leave to appeal.
8. The application is dismissed.

[AVNEESH JHINGAN]
JUDGE

20th July, 2023
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No