

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237

CRR-485-2017

Date of Decision: 21.08.2023

Kanta Devi

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Komalpreet Singh, Advocate for
Mr. A.S. Manaise, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J.

1. Challenge in the present revision is to the order dated 14.12.2016, whereby the learned Additional Sessions Judge, Pathankot, has dismissed the appeal filed by the petitioner against the judgment dated 18.12.2015, whereby the learned Chief Judicial Magistrate, Pathankot, acquitted respondents No. 2 and 3 herein in a case arising out of FIR No. 98 dated 22.06.2010 registered under Sections 498-A and 406 read with Section 34 IPC at Police Station Sadar, Pathankot.

2. Learned counsel for the petitioner, *inter alia*, submits that marriage of the petitioner was solemnized with respondent No. 2-Surinder Singh @ Satinder Singh, on 08.07.2007, as per Hindu rites. No child was born out of this wedlock. Respondent No. 3 herein is the mother-in-law of the petitioner. Though sufficient dowry articles were given at the time of marriage, yet respondents No. 2 and 3 used to harass, torture and beat the petitioner for bringing insufficient dowry. It is submitted that the alleged

compromise produced by the private respondents before the learned Courts below was entered into by the petitioner under coercion and pressure from the private respondents, and therefore the same cannot be relied upon. Learned counsel further contends that the alleged compromise cannot dilute the acts of cruelty and harassment committed by the accused-respondents. It is also submitted that the learned Courts below have ignored the material comprehensive and cogent evidence produced by the petitioner to prove the cruelty of the private respondents, and, therefore, have wrongly acquitted the accused-persons.

3. No other argument is raised on behalf of the petitioner.
4. I have heard learned counsel for the petitioner.
5. The relevant succinct findings of the learned Appellate Court, are reproduced as under:-

“12. After having gone through the file carefully, this Court is of the opinion that trial Court has rightly observed after appreciating the statements of the witnesses in minute details to find out that the registration of the present FIR was not justified and no reasonable explanation is furnished by the complainant. Ex. DA clearly speaks that entire dowry articles were received prior to the date of filing of the complaint on the basis of which the FIR was registered. Even the parties have decided to dissolve the marriage and there is a mutual divorce deed drafted and duly signed by the complainant as well as the accused and the witnesses. Moreover Kanta Devi admitted the execution of Ex.DB/1 where there was no reference on any demand of dowry and even in the mutual divorce deed it was mentioned that parties were having different temperaments and were not compatible to each other, therefore, marriage was sought to be dissolved. The subsequent registration of the FIR do not find mentioned anything of previous execution of the documents and as such the Court has rightly found that no allegations of demand of dowry or cruelty in connection of demand of dowry were made out. The observations and findings of the trial Court are well reasoned and I do not find any irregularity or illegality committed by the court while appreciating both oral and documentary evidence. Therefore, the appeal is without merit. The same is dismissed. ...”

6. Learned counsel for the petitioner is unable to dispute or controvert the abovesaid concurrent findings as returned by the Appellate Court and the Id. Trial Court. From the above, it is clearly borne out that the petitioner registered the present complaint *after* the parties had decided to dissolve the marriage through mutual consent. Admittedly, in the mutual divorce deed the reason cited for parting ways is temperamental differences between the parties, and the same does not contain any allegations of cruelty or demands for dowry by the respondents. No explanation is forthcoming from the petitioner in this regard. Even further, there are no specific instances mentioned as to when and how the private respondents treated the petitioner with cruelty. Only bald and general allegations have been made against the private respondents.

7. In view of the above, no ground is made out to disturb the concurrent findings returned by both the Courts below. Accordingly, the instant revision petition stands **dismissed**.

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

21.08.2023

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No