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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 28.11.2024

Ruchi

...Petitioner

V/s

Chetan and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manoj Pundir, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

1. Present revision petition has been filed against the judgment dated 05.10.2019 passed by Additional Sessions Judge, Kaithal upholding the order dated 13.06.2019 passed by Judicial Magistrate Ist Class, Kaithal, whereby respondent No.1 (herein) was acquitted from the charges under Sections 323 and 498-A of IPC.
2. For clarity and simplicity, the revisionist-petitioner, who has filed the impugned FIR, will be referred to as the 'complainant' while respondent No.1, the accused in the impugned FIR, will be referred to as the 'accused' throughout this judgment.
3. In the present revision petition, the pertinent facts for adjudication are that the FIR No.272 dated 22.08.2015 was lodged against the accused-respondent No. 1, a resident of Gali No.3, Arjun Nagar, Kaithal, under Sections 323 and 498-A of the Indian Penal Code (for brevity the 'IPC') at Police Station City, Kaithal. The matter proceeded to trial before the Court of Judicial Magistrate, First Class, Kaithal, which concluded its proceedings and, vide judgment dated 13.06.2019, acquitted the accused

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(respondent No. 1 herein) of all the charges. Dissatisfied with the acquittal, the complainant preferred an appeal against the said judgment passed by the Judicial Magistrate Ist Class, Kaithal. However, the learned Additional Sessions Judge, Kaithal, vide judgment dated 05.10.2019, upheld the trial court's decision, affirming the acquittal of the accused. The appellate Court held that the trial court had correctly appreciated the evidence in accordance with the legal principles and had reached the appropriate conclusion based on the material facts presented during the trial and hence does not require any interference.

4. The petitioner, aggrieved by the consistent findings of both the trial Court and the appellate Court, has now invoked the revisional jurisdiction of this Court, seeking re-examination of the findings as the same are based on alleged mis-appreciation of evidence and procedural irregularities. However, it is well-settled law that the scope of revision is limited and does not entail a re-appreciation of evidence unless there is a manifest illegality or a serious miscarriage of justice.

5. In brief, the case of the prosecution, as detailed in the FIR, is that the complainant namely Ruchi, a teacher from Siwan, Kaithal, lodged a complaint against her husband Chetan (respondent No.1 herein) and his family members, alleging harassment and assault. She claimed that her in-laws used to pressurize her for a transfer and forced her to sign blank papers. However, the behavior the accused worsened after the transfer of the complainant, leading to physical abuse in March, 2014 and again on 09.08.2015, when they allegedly tried to strangle her. The complainant escaped by locking herself in a room and later informed her father. A

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complaint was registered based on her medical report (MLR dated 09.08.2015). Based on these allegations, an FIR was registered under Sections 323 and 498-A of IPC. Investigation ensued. During the course of investigation, all the persons were found innocent except accused Chetan (respondent No.1 herein). The accused Chetan surrendered on 07.09.2015 whereinafter he was arrested and later released on bail. Final report under Section 173 of Cr.P.C., 1973 was filed before the competent Court of jurisdiction.

6. Learned counsel for the petitioner-complainant has argued that both the Courts below have erred in acquitting the respondent No.1 and the impugned orders are contrary to the law, facts and evidence on record. According to learned counsel, the prosecution witnesses had fully established the case against the respondent No.1 during the trial, but both the Courts below failed to properly appreciate the evidence on record in correct perspective. Furthermore, both the Courts below have failed to appreciate that the prosecution has examined six witnesses, including the complainant, who, in her examination-in-chief, clearly described the maltreatment she faced from the accused and his family members. However, both the Courts below did not consider this evidence while delivering the impugned judgments, without providing any reasonable justification. Learned counsel has further iterated that both the Courts below erred in acquitting respondent No.1 by failing to consider that the injury of the complainant was proven and her testimony clearly established the role of the accused. Her account was corroborated by oral evidence and the accused cannot be benefitted from their own wrong doing. Learned counsel has further canvassed that the



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both the Courts below have wrongly and unlawfully acquitted the accused/respondent No.1, despite there being sufficient evidence on record to establish his guilt and hence his acquittal is not justified in light of the evidence presented.

7. At the outset, it is pertinent to mention herein that in adjudicating an appeal against an order of acquittal, the appellate court operates within narrowly circumscribed framework. It is a settled legal principle that acquittal by a trial court carries a presumption of innocence. further strengthened by the trial Court's findings. The appellate court is precluded from engaging in a wholesale re-appreciation or reassessment of evidence unless the conclusions drawn by the trial Court are patently perverse, unreasonable, or unsupported by the record. The principles governing the scope of interference by the High Court in an appeal against the judgment of acquittal, have been laid down by the Hon'ble Supreme Court in the judgment passed in the case titled as ***Babu Sahebagouda Rudragoudar and others versus State of Karnataka, 2024 INSC 320=2024(2) Law Herald (SC) 928*** held as under:

"39. Thus, it is beyond the pale of doubt that the scope of interference by an Appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-
(a) That the judgment of acquittal suffers from patent perversity;
(b) That the same is based on a misreading/omission to consider material evidence on record;
(c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record."

Thus, the present appeal must be examined in context and after drawing guidance from the aforementioned principles.



8. The allegations in the present case relate to maltreatment by voluntarily causing hurt as defined under Section 319 of the IPC (punishable under Section 323) and that of subjecting the victim to cruelty on account of dowry demand as defined under Section 498-A. Section 319 of the IPC reads as under:-

“319.Hurt.- Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.”

To establish an offence under Section 319 of the Indian Penal Code (IPC), the prosecution is obligated to prove beyond reasonable doubt that the accused voluntarily caused hurt to the victim. The term "hurt," as defined under Section 319 IPC, encompasses the causation of bodily pain, disease, or infirmity. The act must be "voluntarily" inflicted, implying that the accused acted with intent or knowledge that their actions were likely to cause harm. The prosecution must demonstrate a clear and proximate causal nexus between the accused person's act and the resulting harm to the victim. It is imperative that the evidence adduced establishes the accused person's direct involvement in inflicting such harm, whether through physical assault, application of force, or any other unlawful act. The mere occurrence of harm or injury, absent evidence linking it to the accused, does not suffice to constitute the offence under this provision. Furthermore, the evidence must meet the standard of legal scrutiny, ensuring that it is cogent, credible, and corroborated by the circumstances of the case. Speculative allegations, vague assertions, or insufficient proof are inadequate to satisfy the requisite burden of proof for an offence under Section 319 IPC.

8.1 Section 498-A of the IPC is reproduced as under:-



“498-A. Husband or relative of husband of a woman subjecting her to cruelty.- *Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

Explanation. For the purposes of this section, "cruelty" means-
(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

To secure a conviction under Section 498-A of the Indian Penal Code (IPC), the prosecution must establish specific ingredients of the offence beyond a reasonable doubt. This provision criminalizes cruelty by the husband or his relatives against a woman, necessitating the prosecution to demonstrate the following elements. Firstly, it must be proved that the accused is either the husband of the woman or a relative of the husband. Section 498-A exclusively applies to persons in a marital relationship or those connected to the husband. Secondly, the prosecution must establish the occurrence of "cruelty," as defined under this section. The term "cruelty" includes two broad categories. The first involves wilful conduct by the accused that is likely to drive the woman to commit suicide or cause grave injury or danger to her life, limb, or physical or mental health. Evidence of repeated physical assault, severe mental harassment, or any degrading treatment that endangers her well-being must be presented. The second category includes harassment of the woman or her relatives with a view to coercing them to meet unlawful demands for property or valuable security,

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commonly associated with dowry demands. Clear evidence of such coercive demands and the corresponding harassment must be brought to the court's notice. The prosecution must further establish the nexus between the accused person's acts and the harm suffered by the woman, showing that the cruelty inflicted directly endangered her mental or physical health or pushed her towards suicidal tendencies. Eyewitness testimony, corroborative medical or psychological evidence, and documented proof of harassment are crucial for substantiating the charge. Lastly, the prosecution must prove the accused person's wilful intent or knowledge of the consequences of their acts, ensuring that the case is firmly grounded in the facts and circumstances. A comprehensive presentation of evidence satisfying these requirements is indispensable to sustain a charge under Section 498A.

9. In light of the above discussion, I have thoughtfully considered the arguments advanced on behalf of the appellant as well as the learned State counsel who has made submissions in tandem with the learned counsel for the appellant, perused the entire record and the judgment passed by the Court below.

10. While going through the records of the case, it appears that the prosecution has failed to satisfactorily discharge its burden of proof by presenting credible and reliable evidence or witnesses. It is a well-settled principle of law that the burden rests upon the prosecution to establish the guilt of the accused through cogent and convincing evidence, and any failure to do so entitles the accused to the benefit of doubt. The case put forth by the prosecution is riddled with material discrepancies, as discussed herein below, that substantially undermine its credibility and foundational strength.

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11. As per the case put forth by the prosecution, it is alleged that soon after the marriage, the complainant was pressured by the accused and his family members to facilitate her transfer. They coerced the complainant into signing the blank papers, but she refused, citing her husband's prior postings in Punjab, Karnataka, and Yamuna Nagar. Despite her resistance, the accused and her family members arranged the transfer of the complainant to Kaithal in January 2014, after which the behavior of her in-laws changed. In March 2014, her father-in-law, mother-in-law, sister-in-law (Jethani), and husband (respondent No.1-herein) allegedly assaulted her. On 09.08.2015, around 8:00 AM, an argument arose when the complainant asked her husband for medicine. Her father-in-law Roshan Lal, mother-in-law Rajo Devi, Prem Chand (her father-in-law's brother), Pawan Kumar (her brother-in-law), Monika Devi (her sister-in-law), and her husband Chetan Kumar allegedly assaulted her and attempted to strangle her with a Chunni. The complainant, however, locked herself inside a room and found her phone broken. The accused provided the complainant with another phone through the window whereupon she managed to contact her father. She opened the door around 1:15-1:30 PM when her sister and father arrived. She was later medically examined at the Civil Hospital, Kaithal. In order to prove its case, prosecution examined as many as six witnesses and closed its evidence. The statement of the accused (respondent No.1 herein) under Section 313 Cr.P.C. was recorded in which all the incriminating circumstances appearing in the prosecution evidence were put to him, which were denied by him in toto and pleaded his false implication in the case.

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12. The burden of proof lies entirely on the prosecution, which must present cogent and reliable evidence to establish the guilt of the accused. While the complainant alleged harassment, assault, and dowry-related cruelty, her testimony contained inconsistencies and contradictions when compared to her original complaint (Ex.PW2/A) and medical evidence. The complainant claimed severe assault by multiple family members but sustained only minor injuries, which the medical report (MLR) did not fully corroborate. The discrepancies in the complainant's account suggest suppression of material facts. The complainant claimed that on 09.08.2015, after being assaulted by the accused, she informed her father by mobile phone. She further stated that her sister and father arrived at her matrimonial home around 1:15/1:30 PM and contacted the Police. However, neither her sister nor her father were examined by the prosecution, without any explanation which significantly weakens the case of the prosecution and casts a dent in the version of the prosecution.

13. The prosecution's narrative is further undermined by the complainant version when she alleged dowry harassment but did not provide specific instances or evidence to substantiate her claims, nor were such allegations supported by other witnesses, including PW-6, her uncle. Furthermore, the key details in her testimony, such as confinement and alleged violence, were exaggerated and inconsistent. There is no reasonable explanation forthcoming either from the evidence produced by the prosecution or from the perusal of the records of the case or from the averments made in the present petition, on this aspect. Hence, the allegations lack credibility and do not inspire confidence.

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14. Furthermore, the allegations of the complainant with regard to dowry-related harassment and physical abuse, allegedly carried out with the involvement of her in-laws, have already been found baseless by the Investigating Agency. As narrated by the complainant in the FIR, as well as, in her deposition (when examined as PW-2) that she was physically abused by the accused and her in-laws but she had miserably failed to provide any medical evidence to substantiate this claim. While going through the record as well as the judgments passed by both the Courts below it appears that the refusal of the complainant to adjust to living in Kaithal, her marital residence, appeared to be the primary source of the dispute rather than the demand of dowry or cruelty.

15. These facts that have emerged from the record of the case contradict the claims of the complainant with regard to issuance of threats and harassment and suggest a lack of intent on the part of the accused to cause harm. The inconsistencies in the complainant's testimony, coupled with her failure to report serious allegations, further erode the reliability of the case of the prosecution. In light of these contradictions, the version of the complainant does not inspire confidence and the requirement of proving guilt beyond reasonable doubt.

16. Furthermore, both the Courts below noted that mere suspicion cannot substitute for proof in a criminal case. As the prosecution failed to meet the stringent standard of proving guilt beyond a reasonable doubt, the allegations under Sections 323 and 498-A of IPC could not be established, and the accused was acquitted.



17. It is a well established principle in criminal jurisprudence that the burden of proof rests squarely upon the prosecution, which must establish the guilt of the accused beyond reasonable doubt. Any failure to meet this standard, particularly when key evidence is either missing or questionable, entitled the accused to the benefit of doubt. It has been consistently held that suspicion, however grave, cannot substitute for proof, and where there exists any reasonable doubt, the benefit of such doubt must be given to the accused person and he must be acquitted in accordance with law. In light of the above discussed discrepancies and inconsistencies, it can safely be inferred that the case put forth by the prosecution is false and there is no evidence of demand of dowry, allegations of cruelty, entrustment of dowry articles etc. as projected by the complainant. Where the prosecution itself has failed to substantiate its case beyond reasonable doubt, as has happened in the case in hand, the defence, if any, raised/pleaded by the accused recedes into the background and rather becomes immaterial. The eagerness of the complainant to involve her father-in-law and mother-in-law through vague and general accusations further suggests an attempt to implicate all of the family members, regardless of their actual involvement, in an effort to harass them.

18. In the facts and circumstances of the entire case coupled with the fact that the allegations of voluntary causing hurt and cruelty are vague and general in nature, the learned Additional Sessions Judge, as well as, the learned trial Court, rightly arrived at the conclusion that the story put forth by the prosecution was false and the allegations raised lack substance.



19. The facts of the case clearly narrate that the complainant has intentionally tried to conceal the real genesis of the case. However, both the Courts below i.e. trial Court and the appellate Court, have meticulously and judiciously examined the matter, appreciating the facts and evidence in their proper context. Both the Courts below have rightly discerned the attempt of the prosecution to distort the narrative and have delivered their findings based on through evaluation of the material on record.

20. Perusal of the impugned judgments of acquittal passed by both the Courts below show that the entire evidence led by the prosecution has been gone through in detail and in a painstaking manner and has dealt with each and every aspect of the case in a pragmatic manner. The judgments of acquittal are based on sound reasoning; do not suffer from any illegality or perversity. As such, the judgment of acquittal dated 05.10.2019 passed by Additional Sessions Judge, Kaithal upholding the order dated 13.06.2019 passed by Judicial Magistrate Ist Class, Kaithal, is upheld. Resultantly, the present revision petition, being bereft of merits, fails and is dismissed.

21. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 28, 2024
Ajay

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