

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**214****CRM-A-1677-MA-2018 (O&M)****Date of order: 16.02.2024****Ramandeep Kaur****.....Applicant(s)****Vs.****Saroopinder Singh & Others****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. B.S. Jaswal, Advocate
for the applicant.***********Nidhi Gupta, J.**

Present application under Section 378(4) Cr.P.C. is filed for permission to grant special leave to appeal against the judgment dated 14.03.2018 passed by learned Sub-Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar whereby the respondents have been acquitted in Complaint Case No.83 dated 30.07.2014 under Sections 406, 498-A and 506 IPC registered at Police Station Khilchian.

2. Brief facts of the case are that the applicant was married to respondent No.1 on 15.04.2005. Parties are living separately since December, 2013. Present complaint bearing No.83 dated 30.07.2014 was filed under Sections 406, 498-A and 506 IPC at Police Station Khilchian against the respondents. Respondent No.1 is the husband; respondent No.2 is the father-in-law and respondent No.3 is the mother-in-law of the applicant/complainant. However, the respondents have been acquitted in the said complaint matter. Hence, the present petition.

3. Learned counsel for the applicant inter alia submits that respondent No.1 is a drug addict who has also undergone treatment for drug de-addiction. The applicant was thrown out of the matrimonial home in December, 2013. In March, 2014, a compromise was effected between the parties whereby they agreed to divorce each other; and the respondents had also agreed to return all the dowry articles. However, thereafter, the respondents did not act upon the compromise and refused to give divorce or to return the dowry articles. It is contended that the respondents/accused gave beatings to the applicant and respondent No.1 tried to kill the applicant by strangulation in December, 2013. Accordingly, the applicant was left with no recourse but to file the present complaint. It is also submitted that the respondent No.1 has never paid any maintenance either to the applicant or to their daughter. It is further submitted that the learned Sub-Divisional Judicial Magistrate has erred in acquitting the respondents as there is cogent, comprehensive evidence on record to prove the charges. It is accordingly prayed that the impugned judgment be set aside.

4. No other argument is made on behalf of the petitioner.

5. I have heard learned counsel for the petitioner and perused the case file in detail.

6. Perusal of record of the case reveals that on the basis of preliminary evidence, all the respondents were ordered to be summoned under Section 498-A IPC vide order dated 12.05.2016. Thereafter, on the basis of pre-charge evidence, the respondents/accused were charge-sheeted under Section 498-A IPC. In after-charge evidence, the applicant

examined herself as CW1, her father Surjit Singh as CW2 and Baljit Singh as CW3. The primary allegation of the applicant is that the respondents/accused had tried to kill her and in December, 2013, she was given beatings by all the respondents; and respondent No.1 had tried to kill her by strangulation. However, perusal of the file reveals that the applicant did not file any complaint in this regard. Present complaint was filed several months thereafter only on 30.7.2014. Even now, it has not been pleaded by learned counsel for the applicant that any complaint was filed against the said incident. One application has been mentioned in the compromise/Panchayati divorce entered into between the parties (Mark C3). However, there are no details available regarding the said application such as date of application, etc. Even the applicant has failed to produce or place on record a copy of the said application. It was in this background that the learned trial Court held that offence under Section 498-A IPC could not be proven on record. No other specific incident of cruelty has been cited by the applicant either before the learned trial Court or before this Court except that of December, 2013.

7. In view of the above, I find no merit in the present petition, and the same is accordingly, **dismissed**.
8. Pending application(s) if any also stand(s) disposed of.

16.02.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No