



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

CRM-A-1958-MA-2017

Decided On: 12.12.2024

Neelam Rani

....Applicant-Appellant

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. Parvinder Singh, Advocate  
for the applicant-appellant

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Tarun Kumar, Advocate  
for respondent no.2 to 5**HARPREET SINGH BRAR, J.****CRM-28516-2017**

This is an application under Section 5 of the Limitation Act read with Section 482 Cr.P.C. seeking condonation of delay of 21 days in filing the accompanying application/appeal.

For the reasons mentioned in the application seeking condonation of delay, the same is allowed and the delay of 21 days is condoned.

**CRM-A-1958-MA-2017**

1. This instant application under Section 378(4) Cr.P.C. is being preferred against the judgement of acquittal dated 28.04.2017 passed by learned Judicial Magistrate Ist Class, Shaheed Bhagat Singh Nagar while dismissing the private complaint filed by the present applicant under Sections 498A, 406, 120-B of IPC.



2. The facts, in brief, as alleged by the applicant-complainant are that her marriage was solemnized with the respondent no.2-accused on 08.12.2016 as per Sikh rites and ceremonies. Respondents No. 3 to 5, who are mother-in-law, and brothers-in-law of the complainant respectively, also attended their wedding. At the time of their marriage, huge expenses were borne by the parents of the applicant-complainant including a dowry amount of Rs 5 lacs. In addition, various dowry articles were given to the private respondents. *Istridhan* given to the applicant by her parents was also kept in the custody of the accused persons. Soon after marriage, the applicant started facing harassment at the hands of the respondents and other accused on account of bringing insufficient dowry. The accused-husband also gave beatings to the applicant whenever he was inebriated and compelled her to bring Rs.2 Lakh cash from her parents. On 14.01.2008, the complainant was severely beaten by the accused persons and then turned her out of matrimonial home when she was seven months pregnant. Even the brother of the complainant was also given beating by the accused. After the birth of her daughter, the complainant was rehabilitated back into the matrimonial home but to her dismay, the accused persons refused to mend their ways. On 22.06.2009, she was again given severe beatings by the accused persons as they remained adamant on their demand of Rs.2 lakh from the complainant and her parents.

3. The applicant-complainant led her preliminary evidence before the trial Court, relying upon which the accused persons were summoned under Sections 498-A, 406 and 120-B of IPC vide order dated 27.02.2013. In pre-charge evidence, she examined four witnesses including herself. Upon finding a prima facie case, charge under Sections 498-A and 406 of IPC was framed against all the accused to which they pleaded not guilty and claimed trial. After



closure of the complainant evidence, all incriminating evidence was put to the accused and their statements were recorded under Section 313 Cr.P.C. wherein they pleaded innocence and false implication. In defence evidence, the accused produced certain documents relevant to their case including judgment and decree dated 01.11.2016 and Inquiry Report (Ex. DA). Ultimately, the trial Court proceeded to dismiss the complaint filed by the applicant for lack of merit. Feeling distressed, she has approached this Court by way of the present application/appeal.

4. I have heard learned counsel for the parties and carefully perused the record with their able assistance. The applicant-complainant has miserably failed to prove her allegations qua Section 406 IPC. Although, she has alleged that *Stridhan* as mentioned in the list of articles (Ex. C2) was entrusted to all the accused but in her cross-examination, she has deposed that she is not in possession of any bill of these articles and neither does she possess knowledge from where the said articles were purchased. Further, CW-2 Paramjit Lal has deposed that the bills were handed over to the accused husband but still it was possible for him to arrange duplicate bills but he failed to do so. Furthermore, there is material contradiction between the deposition of the complainant and her brother CW-2 as to when the list of articles (Ex.C2) was prepared. The complainant has stated that it was prepared at the time of filing the present complaint whereas her brother has stated that it was prepared at the time of marriage. This does cast a serious doubt over the veracity of their claims.

5. As far as the allegations qua offence under Section 498-A are concerned, there is evidence on the file which is in contravention to the stance of the complainant that she was subjected to harassment and cruelty on account of dowry demand. As per the judgment dated 01.11.2016 passed by learned



District Judge, Family Court, SBS Nagar in the divorce petition filed by the accused husband, the actual reason which gave rise to a dispute between the complainant and her husband was that she used to compel him reside separately from his parents. It has been further noted therein that the complainant also used to abuse and humiliate her husband. Above all, when the concerned police investigated the matter upon another complaint (Ex.PA) filed by the present applicant with similar allegations, it was found that there was no such dispute of harassment for dowry. In the report (Ex. DA) prepared by Incharge of Women Cell, SBS Nagar, it was noted that the husband of the complainant was ready to reside with her in a separate house but she refused to go with him.

6. It has been alleged by the complainant that she and her brother received injuries, albeit simple in nature, at the hands of the accused persons on 22.06.2009 for not fulfilling their dowry demand and their respective MLRs (Ex.PW4/A & PW4/C) are on record, however, the same does not establish their guilt under Section 498-A. Especially in the present case where on 22.06.2009, the accused husband also received injuries at the hands of the brother of the complainant. There was a fight between the parties due to which both of them were admitted to the hospital. This, in fact, is not sufficient to establish the guilt of the accused persons under Section 498-A. Furthermore, the complaint was not filed under Section 323 IPC and neither were the accused summoned for the same. In light of the aforesaid facts, it is held that the complainant-applicant has miserably failed to establish the guilt of respondents no. 2 to 5.

7. Furthermore, the power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points



towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. **(See H.D. Sundara and others Vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v. State of Karnataka, (2007) 4 SCC 415).** A Division bench of this Court in the judgment passed in **State of Haryana Vs. Ankit** and others CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

8. In view of the facts and circumstances of the case, this Court finds that learned counsel for the applicant-appellant has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present application and hence, the leave to appeal is denied.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**12.12.2024**  
*Neha*

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