



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

CRR-2384-2022

Date of decision: 03.09.2024

PUJA RANI

...PETITIONER

V/S

RAVI KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sahil Soi, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 07.08.2019 passed by learned Additional Chief Judicial Magistrate, Jalandhar and impugned judgment dated 28.03.2022 passed by learned Additional Sessions Judge, Jalandhar, whereby respondent Nos.1 to 4 have been acquitted by both the Courts below.

2. Brief facts of the case, are that FIR (supra) was registered against respondent Nos.1 to 4 on a complaint moved by the petitioner. In her complaint, she has mainly claimed and alleged that her marriage was solemnized with respondent No.1 on 13.09.2010. Many gold ornaments and valuable articles were given at the time of marriage. After two days of marriage, respondent No.1 came in a drunkard condition and started abusing and taunting the petitioner on the pretext of inferior quality of dowry articles. Respondent Nos.1 to 4 started pressurizing the petitioner to bring Rs.1 lac from her parents for purchase of car. When the petitioner showed her inability to fulfill the said demand, then respondent No.1 caught hold of her from hair and slapped her. Respondent No.4 gave blow in petitioner's stomach and thereafter, she was turned her out



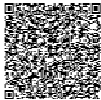
of her matrimonial home by respondent Nos.1 to 4. Parents of the petitioner convened *panchayat* and a compromise arrived between the parties. Petitioner started living in her matrimonial home. In April 2011, the petitioner became pregnant. She requested respondent No.1 for her medical check-up, but he abused her at the instance of respondent Nos.2 to 4 and humiliated her by stating that he did not want child. Thereafter, she was sent to her parental home. On 21.09.2011, the petitioner gave birth to a male child in her parental house. With the intervention of respectable persons, a compromise was arrived on 11.07.2012 and the petitioner was taken to matrimonial home along with child. Respondent Nos.2 to 4 undertook that they would not interfere in the life of petitioner and respondent No.1, but after some time, they started beating, abusing and humiliating the petitioner. The behaviour of the respondent No.1 also became worst towards petitioner. Respondent No.1 gave beatings and again raised demand of Rs.1 lac for the purchase of car. Respondent Nos.1 to 4 further demanded that parental house of petitioner be got transferred in the name of respondent No.1. When the petitioner/complainant showed her inability to do so, respondent Nos.1 to 4 gave beatings to her and turned out her from matrimonial home. She reached her parental house and gave birth to a female child in November, 2013, there. Thereafter, petitioner moved a complaint to police, however, a compromise was again arrived between the parties and the petitioner again started living with respondent No.1 in a rented accommodation. Respondent No.1 never gave any maintenance to petitioner. On 08.06.2014, the petitioner was forced to go to her parental house, as there was nothing to eat in the house. Respondent No.1 came to her parental house in a drunkard condition and gave pushes to the petitioner. Matter was reported to the police. After enquiry, FIR was registered against the respondent Nos.1 to 4.



Respondents No.2-Ramesh Kumar and respondent No.3-Nirmala were released on anticipatory bail by the Court of Dr. Harveden Bhardwaj, the then learned Additional Sessions Judge, Jalandhar vide order dated 06.07.2015. Both these respondents were formally arrested and released on bail. Respondent Nos.1 and 3 were formally arrested and subsequently, released on bail. On completion of investigation and necessary formalities, challan against respondent Nos.1 to 4 was presented in the court.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that only vague allegations have been levelled against the private respondents i.e. for demand of dowry as no specific date, month and time and from whom, the same was demanded, has been mentioned. There is nothing on record to show that any article was demanded by private respondents, which could have been entrusted to them. The petitioner has not given any description of injuries being suffered by her from the hands of private respondents. Furthermore, the petitioner, in her testimony, stated that she filed the present case only to teach a lesson to respondent Nos.1 to 4. During her cross-examination, the petitioner deposed that first *panchayat* was convened on 05.04.2013 and at that time, she was first tortured by respondent No.1 and contrary to this in her examination-in-chief, she deposed that she was tortured for the first time, just two days after marriage i.e. on 15.09.2010 onwards. Moreover, the deposition of witnesses examined by the prosecution does not inspire confidence to the extent as was necessary to bring accusation levelled by them.

4. 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. (*See H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. 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 passed 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.

5. In view of the discussion above, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Court below, which warrants any interference. Accordingly, the present revision petition is dismissed.

September 03, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No