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**282 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-8199-2016
Decided on : 29.07.2024

Rekha Rani

..... Petitioner

Versus

Dharamvir & another

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. H.P.Singh, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed under Section 482 Cr.PC for quashing the order dated 12.12.2015 (Annexure P-2) passed by Addl. Sessions Judge, Patiala vide which the order dated 26.11.2014 (Annexure P-1) passed by JMIC, Patiala in Crl. Complaint No.2RT/16.02.2009 vide which private respondents were discharged, was upheld.

2. As per the case set up by the petitioner-complainant (hereinafter referred to as petitioner) may be noticed as thus: petitioner belongs to the *Balmiki* caste; an FIR was registered against the respondents on 17.06.2003 under Sections 376 and 452 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. Subsequently, under the guise of a conspiracy to evade prosecution respondent No.1 and others, lured the petitioner to marry respondent No.1. However, after the marriage,



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the petitioner was not allowed to enter her matrimonial home, and was instead forced to live in a rented house. The respondents threatened the petitioner and pressured her to get the aforesaid FIR cancelled, with a warning that her matrimonial life would be otherwise adversely affected. Due to continuous pressure from the respondents, she had no other option, but to move for the cancellation of the FIR, which had been filed at her instance. After the cancellation report was accepted, she was assaulted and thrown out of her matrimonial home. Consequently, she filed a complaint under Sections 420 and 120-B IPC and Section 3 of the SC & ST Act.

3. Based on the evidence and material on record, the Trial Court vide order dated 26.11.2014 discharged the respondents under Sections 420 and 120-B, IPC and Section 3 of SC & ST Act. Aggrieved, the petitioner filed a revision petition, which was also dismissed by the Revisional Court on 12.12.2015. Hence, the present petition.

4. Learned counsel for the petitioner has argued that the Courts below wrongly discharged the respondents vide impugned orders dated 26.11.2014 and 12.12.2015, resulting in a grave miscarriage of justice. Learned counsel contended that the Courts below ignored the evidence on record, which *prima facie* indicated that the respondents had conspired to cheat the petitioner by arranging her marriage with respondent No.1 to prevent her from pursuing the FIR filed on 17.06.2003. The respondents succeeded in deceiving her and obtaining her signatures on blank papers, thereby stalling any criminal prosecution



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in the earlier FIR. Although, the marriage took place in the year 2005, the petitioner was intentionally kept in a rented accommodation until her statement was recorded in the Court, leading to the cancellation of the FIR. Hence, it was asserted that there was sufficient evidence and material on record to make out a *prima facie* case against the respondents.

5. I have learned counsel and perused the relevant material on record.

6. The impugned orders come across as well reasoned and are based on a proper and correct assessment of the facts and other material on record. Although, learned counsel for the petitioner argued that she had been cheated by the respondents and was not allowed to enter her matrimonial home, this is not supported by any cogent evidence. The learned counsel for the petitioner failed to present any cogent evidence regarding the alleged conspiracy between the respondents. The Courts below rightly observed that the petitioner failed to show by way of any evidence, much less cogent, that she had been cheated by the respondents; rather the petitioner had willingly entered into the marriage with respondent No.1 and most pertinently, the cancellation report was accepted in FIR No.154 dated 17.06.2003 following due legal process. Hence, it cannot be said that the petitioner was under any kind of pressure. The Court gave the petitioner sufficient time – three months - to reconsider, and she herself appeared in the Court and made the statement on the basis of which the cancellation



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report was then accepted. Therefore, once the order regarding the acceptance of cancellation of FIR had attained finality, and that too, after affording proper hearing to the petitioner, it cannot be said that the respondents had cheated the petitioner or induced her to withdraw the case against them.

7. As a sequel to the above, this Court has no hesitation in observing that there is no perversity in the findings of both the Courts below and the same are based on correct appreciation of evidence. Accordingly, the present petition stands dismissed.

29.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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