

CRR-4025-2015 (O&M)
Date of Decision: 29.04.2024

...Petitioners

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kulbir Siwan, Advocate for
Mr. Rishabh Gupta, Advocate
for the petitioners.

Ms. Vasundhara Dalal, Addl. P.P., U.T. Chandigarh

HARPREET SINGH BRAR, J.(ORAL)

CRM-34770-2015

This is an application under Section 5 of Limitation Act read with Section 482 of Cr.P.C. seeking condonation of delay of 147 days in filing the petition.

For the reasons mentioned in the application, same is allowed and delay of 147 days in filing the revision petition is condoned.

CRM-25428-2019

This is an application under Section 401 of Cr.P.C. on behalf of respondent No. 2/complainant seeking permission to produce on record additional evidence.

For the reasons mentioned in the application, same is allowed and Annexure R-2/I is taken on record.

CRR-4025-2015

1. The present revision is preferred against judgment dated 19.03.2015 passed by the learned Additional Sessions Judge-cum- Judge, Special Court, Chandigarh whereby judgment of conviction and order of probation dated 03.06.2014 passed by the learned Judicial Magistrate Ist Class, Chandigarh against the petitioners in FIR No. 340 dated 02.09.2006 registered under Sections 406 and 498-A of the IPC at Police Station Sector 34, Chandigarh, was upheld.

2. Briefly, the facts are that the marriage between petitioner no.1 and complainant-Dr. Nidhi was solemnised on 01.11.2003, according to Hindu rites and rituals. All the valuable gifts and ornaments were entrusted to petitioner no.2- mother-in-law, sister-in-law and petitioner No.3-brother-in-law. The complainant was harassed by her in laws for not bringing adequate dowry and made to reside alone on the second floor of the house for this reason. Petitioner No.1 also pressurised the complainant for paying Rs. 10,000/- per month to petitioner No.2. When the complainant conceived, the family of petitioner No.1 forced her to abort the pregnancy. A son was born to the complainant and petitioner No.1, however, the petitioners-accused harassed her further on account of her parents not presenting them with gifts. Thereafter, the complainant moved to her paternal house while the petitioners-accused retained her expensive clothes and jewellery with themselves in her matrimonial home.

3. Learned counsel for petitioners submits that the learned Courts below have fallen into grave error by convicting the petitioners under Section 498-A IPC as the ingredients for the same are not made out. The FIR(Supra) is merely filed as a counterblast to the petition filed by petitioner No.3 under Section 9 Hindu Marriage Act, 1955. Furthermore, the complainant finally left her matrimonial home on 23.08.2004 and has only stayed at her matrimonial home for a total of 18 days. The FIR(supra) was filed on 02.09.2006, after an

inordinate delay of two years after permanently leaving her matrimonial home. The complainant has also failed to mention any specific date for an instance of harassment alleged by her. Moreover, the learned Courts below also failed to consider that petitioner No.1 bore the medical expenses during the birth of their son.

4. Having heard the learned counsel for the parties and perused the record of the record with their able assistance, it transpires that the complainant appeared as PW1 and reiterated that the petitioners-accused harassed her for not bringing enough gold jewellery at the time of her marriage and in fact, taunted her about the same from the very first day after solemnization of the marriage. The petitioners-accused also forced the complainant to get an abortion while stating that she should be focused on making money. Moreover, as a result of inhumane treatment at the hands of the petitioners-accused, the complainant developed health related issues and had to be admitted to PGIMS, Rohtak. When the complainant returned to her matrimonial home, 40 days after delivering the baby, she was also shunned out stating that she may only return when she brings adequate gifts and a Santro car.

6. This narrative of the complainant has been corroborated by PW5- Kasturi Lal, father of the complainant. A perusal of the record indicates that both PW1 and PW5 have maintained their stance and could not be shaken in spite of lengthy cross-examination.

7. In fact, the learned trial Court has taken a considerate and lenient view by granting the petitioners-accused the concession of probation, as they are first time offenders.

8. In view of the facts and circumstances of the case, this Court finds that learned counsel for the petitioners has failed to point out any perversity or

illegality in findings recorded by the learned Courts below, which warrants any interference. Accordingly, the present appeal is dismissed, being bereft of any merit.

9. Pending miscellaneous application(s), if any, also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

29.04.2024
Ajay Goswami

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