

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213

CRR-819-2017 (O&M)

Date of Decision: 16.09.2024

Amandeep Kaur

.... Petitioner

Versus

State of Punjab and others

.... Respondents

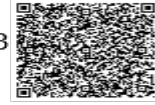
CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. G.S.Jagpal, Advocate for the petitioner.

NIDHI GUPTA, J.

Challenge in the present petition is to the judgment dated 08.11.2016 passed by the learned Additional Sessions Judge, Ludhiana whereby the accused sisters-in-law of the petitioner/respondents No. 2 and 3 herein, have been acquitted; thereby setting aside the judgment dated 01.08.2013 passed by Id. JMIC Jagraon whereby the said respondents were convicted in case FIR No. 99 dated 22.04.2005 under Sections 498-A, 406, 323, 120-B IPC at Police Station Sidhwan Bet.

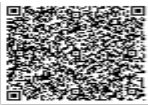
2. Brief facts of the case as set out by the petitioner/complainant are that the petitioner was married to the brother of the respondents No. 2 and 3 on 19.01.2003. No child was born out of the said wedlock. Very lavish wedding was conducted by the parents of the petitioner and sufficient gold jewellery and dowry articles were given at the time of marriage. Yet, the accused were never satisfied and harassed the petitioner endlessly with continuous demands for more dowry. As such, the petitioner was constrained to register the present FIR No. 99 dated 22.04.2005 under Sections 498-A,



406, 323, 120-B IPC at Police Station Sidhwan Bet. There were five persons named as accused in the said FIR, the same being husband of the petitioner, her parents-in-law, and two sisters-in-law/respondents No. 2 and 3 herein. Vide judgment dated 01.08.2013 passed by the learned trial Court, all the accused were convicted. However, in appeal, the learned Appellate Court has acquitted respondents No. 2 and 3. Hence, present Revision Petition.

3. Ld. Counsel for the petitioner argues that the impugned judgment of acquittal is liable to be set aside in view of the fact that respondents No.2 and 3 are the unmarried sisters-in-law of the petitioner and specific allegations have been made against them. It has been specifically stated against them that *“on 10.2.2005, sisters in law of the petitioner gave her beatings. On 11.2.2005 at about 4.30 p.m. husband of the petitioner being instigated by parents and sisters gave beatings to her and tried to kill her by strangulating. At that time father of the petitioner reached at the spot suddenly to meet her, to whom petitioner narrated entire story. She was taken to civil hospital Jagraon for treatment and doctors found that efforts were made to strangle the petitioner. The reason behind the beating was that her husband and other family members were asking her for Rs.5 lacs to be brought from her parents.”*

4. It is further submitted that it has even been alleged that respondents No.2 and 3 were entrusted the gold chain and other jewellery articles of the petitioner; as also the allegation that they used to beat the petitioner. However, these facts have not been considered in the correct light by the learned appellate Court. Even a compromise dated 11.09.2024 (Ex.P1) was arrived at between the parties in which the accused persons had promised



that they would not beat the petitioner in future. Despite that the accused persons kept harassing and maltreating the petitioner and demanded an amount of Rs.5 lacs from the GP fund of the father of the petitioner.

5. Furthermore, the above said allegations made by the petitioner in the FIR have been duly corroborated upon the statement made by her father. Even the medical evidence on record in the form of statement of PW11 Dr. Sukhjiwan Kakkar clearly proves the truth of the above allegations.

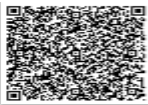
6. It is accordingly prayed that the present petition be allowed and impugned judgment of acquittal dated 08.11.2016 passed by learned Additional Sessions Judge Ludhiana be set aside to the extent whereby respondents No. 2 and 3 have been acquitted.

7. No other argument is raised by learned counsel for the petitioner.

8. I have heard learned counsel for the petitioner as also perused the case file in great detail.

9. Perusal of the record of the case shows that the present FIR was registered on 22.04.2005 against 5 accused persons, 3 of whom stand convicted by the concurrent findings of learned trial Court as well as the learned appellate Court. Respondents No. 2 and 3 were convicted by the learned trial Court vide judgement dated 01.08.2013 in the following manner:

Karamjit Kaur	406 IPC	The convict shall undergo rigorous imprisonment for two years and shall also pay a fine of Rs.1000/- and in default of payment of fine, she shall further undergo simple imprisonment for one month.
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	498-A IPC	The convict shall undergo rigorous imprisonment for two years and shall also pay a fine of Rs.1000/- and in default of payment of fine, she shall further undergo simple imprisonment for one month.
	323 read with Section 34 IPC	The convict shall undergo rigorous imprisonment for six months and shall also pay a fine of Rs.500/- and in default of payment of fine, she shall further undergo simple imprisonment for 15 days.
Kanwaljit Kaur	406 IPC	The convict shall undergo rigorous imprisonment for two years and shall also pay a fine of Rs.1000/- and in default of payment of fine, she shall further undergo simple imprisonment for one month.
	498-A IPC	The convict shall undergo rigorous imprisonment for two years and shall also pay a fine of Rs.1000/- and in default of payment of fine, she shall further undergo simple imprisonment for one month.
	323 read with Section 34 IPC	The convict shall undergo rigorous imprisonment for six months and shall also pay a fine of Rs.500/- and in default of payment of fine, she shall further undergo simple imprisonment for 15 days.

10. However, the respondents No. 2 and 3 have been acquitted by the learned appellate Court vide impugned judgment dated 08.11.2016.



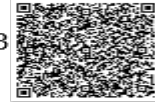
11. It is the contention of the petitioner that in the FIR no.99 dated 22.04.2005 specific allegations were made against respondents No. 2 and 3. The allegations pertaining to the said respondents are that: *“the entire gold ornaments given to her were snatched away by her mother-in-law and sisters in law. She was also restrained from using the articles given to her by her parents. The accused misappropriated most of the articles.....On 10.02.2005, her sisters-in-law gave beatings to her in the house situated in the village on the instigation of her mother-in-law and father-in-law and also gave threats to her life.”* These are the sum total of allegations made by the petitioner against respondents No. 2 and 3 herein.

12. A bare perusal of the above said allegations reveals that the offence under section 406 IPC will not be attracted as these are vague, general and omnibus allegations. No specific date, time or place of demand has been mentioned, let alone proving entrustment and misappropriation of the dowry articles by the respondents no.2 and 3. The learned trial court had convicted all the accused on the ground that the bills in respect of certain dowry articles were produced by the petitioner side; and had incorrectly assumed that entrustment and misappropriation are automatically made out. The learned trial court held that: *“In my considered opinion, perusal of these bills referred above, clearly reflects that these articles were purchased in the month of January 2003, just a few days before the marriage of the complainant with the accused Ranjit Singh. So, it can safely be inferred that all these articles of Istridhan were entrusted to all the accused and the same were misappropriated by them for their own use. Moreover, these article articles have been recovered by the Investigating Agency from the possession of all the accused vide recovery memo Ex.PB proved on record by S.I. Swaran*



Singh, i.e. the Investigating Officer of this case, examined by the prosecution as PW3.” I find the above said reasoning of the trial court to be based on conjectures and surmises. Mere recovery of dowry articles from the accused would not incriminate them as admittedly, the complainant was sharing the matrimonial home with them. As such, the said articles like washing machine, refrigerator, et cetera would be lying in the common household; and would therefore, have to be recovered from the matrimonial home only. As such, an incorrect adverse inference was drawn against the respondents no.2 and 3 in this regard. The learned trial court failed to consider and appreciate that in fact, even the name of respondent no.3 has not been correctly mentioned. The said respondent has been impleaded as daughter of Harnek Singh whereas she is daughter of Angrej Singh. From the above, it is clear that the complainant has merely tried to implicate all members of the family of her husband, irrespective of the truth, or otherwise of the allegations against them.

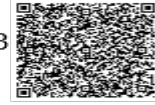
13. As regards, offences under section 498-A and section 323 IPC, the only allegation against the respondents no.2 and 3 is that on 10.2.2005, they had given beatings to the complainant. Again, I find the said allegations to be vague in respect of the respondents no.2 and 3. Furthermore, admittedly, there is no MLR in respect of the said incident dated 10.2.2005. As regards the incident dated 11.2.2005, the same are regarding the husband of the complainant. The only allegation against the respondents no.2 and 3 is that they had ‘instigated’ the husband of the complainant to inflict beating on her. As such, it is admitted that the respondents no.2 and 3 had not given beatings to the petitioner. Needless to say, the allegation regarding instigation is again vague and nebulous. Nothing has been stated as to in what manner or how the



said respondents urged or encouraged the husband of the complainant to beat her or strangulate her.

14. In this regard, the findings of the learned appellate Court as contained in para 26 and 27 of the impugned judgment dated 08.11.2016 are reproduced as under: -

“26. Ex. PA complaint is the first version of Amandeep Kaur. After giving the details of the dowry articles and various gifts given in marriage to the husband and the members of family of in laws, she has stated that the accused were not happy over the dowry. They used to beat, taunt and give mental harassment to her for more dowry stating that Ranjit Singh was the only son and he was a commission agent. The gold items given by her parents and maternal uncles were snatched by the mother-in-law and sisters in law. They did not allow her to use the same. They forbade her to talk to her parents on phone. On 11.9.04, a panchayat of both sides was convened. In this panchayat, she was assured that they would neither beat nor would make a demand of dowry. She has also narrated about the general wear and tear of life. On 10.2.05, she was given beating. On 11.2.05, at about 4.30 pm, her husband Ranjit Singh gave beating at the behest of his parents and sisters. He tried to kill her by strangulating her. On the same day, her father came and took her to Civil Hospital, Jagaron, where she was medically legally examined. The reason for beating was that they asked her to withdraw Rs. 5,00,000/- from GPF of her father enabling them to construct a Kothi. On her refusal to do so, they tried to kill her by strangulation. She appeared in the witness box as PW1 and reiterated what was embodied in complaint Ex. PA. Karamjit Kaur and Kanwaljit Kaur are unmarried sisters of Angrej Singh. Nothing particular has been alleged and attributed to them. The allegations against them are general, vague and omnibus so as to bring them within the clutches for the commission of offence under Section 498A IPC. It is well known practice these days that entire family members including the unmarried brothers and sisters and married sisters of the boy are roped in the matrimonial litigation in order to pressurize the side of the boy to enter into a compromise. The present case is also a set example of it. However, the fact remains that Amandeep Kaur has been maltreated by the husband and the parents of the husband for inadequacy of the dowry. Therefore, I



hold that they are liable for the commission of offence under Section 498A IPC. The finding of learned Trial Court qua the conviction of remaining appellants, namely, Karamjit Kaur and Kanwaljit Kaur is not sustainable.

27. Now coming to the offence under Section 406 IPC, the prosecution has proved the entrustment of various articles to the husband and his parents and these articles include the gold items, clothes, electronic items and furniture. The purchase of all these articles have been proved by PW4 Jasbir Singh, PW5 Manoj Kumar, PW6 Talwant Singh, PW7 Raju, PW3 Buta Singh and PW9 Sohan Singh. Again the offence under Section 406 IPC regarding the entrustment and misappropriation of the dowry articles has not been proved against appellants Kanwaljit Kaur and Karamjit Kaur who are unmarried sisters. Again, it is highly improbable that any dowry article except for the articles given as gift would be handed to unmarried sisters of groom. Nothing has come against them either in Ex. PA or in the statements of PW1 Amarjit Kaur complainant and PW2 Balaur Singh to attract the offence under Section 406 IPC qua appellants Karamjit Kaur and Kanwaljit Kaur. Thus, the offence under Section 406 IPC is attracted only qua husband Ranjit Singh and his parents Angrej Singh and Gurdev Kaur and they have been held rightly guilty by the learned Trial Court.”

15. I am in complete agreement with the above said reasoning of the learned Appellate Court. Ld. counsel for the applicant is unable to dispute or controvert the above said findings of the learned Appellate Court in any manner. Therefore, no ground is made out to interfere in the impugned judgment.

16. The present petition stands **dismissed**.

17. Pending application, if any, stands disposed of.

16.09.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

**Whether speaking/reasoned Yes/No
Whether Reportable Yes/No**