



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

**CRR-1809-2021(O&M)
Date of Decision: 17.09.2024**

Jaspal Kaur

...Petitioner

versus

Naveen Kataria and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hardeep Singh Dhillon, Advocate
for Mr. Rakesh Gupta, Advocate
for the petitioner.

HARPREET SINGH BRAR, J.(ORAL)

1. The present revision petition is preferred against judgment dated 20.08.2021 passed by the learned Additional Sessions Judge, Kurukshetra whereby judgment of acquittal dated 16.10.2018 passed by the learned Judicial Magistrate Ist Class, Kurukshetra in the case stemming from FIR No. 277 dated 31.08.2013 registered under Sections 498-A, 406 IPC at Police Station Sadar Thanesar, was upheld.

2. Briefly, the facts as alleged are that the marriage between the petitioner and respondent No.1 was solemnized on 21.06.2010 in accordance with Hindu rites and rituals and one female child was born out of this wedlock. Soon after the marriage, respondent No.1 and his family began harassing the petitioner for fulfilling their demand of dowry. After the birth of their daughter, respondent No.1 demanded that the shop at Didar Nagar, owned by the petitioner, be transferred in his name. Respondent No.2-mother-in-law of the petitioner also pressurized her to transfer half of her property to



respondent No.1. The father-in-law (since deceased) of the petitioner demanded an amount of Rs. 1,00,000/-while her brother-in-law demanded a Swift car. She was also given beatings by her in-laws family. In October, 2011, the petitioner was shunned out of the matrimonial home. However, on 05.05.2013, the parents of the petitioner provided Rs. 50,000/- to respondent No.1 and his family, following which they allowed the petitioner to come back. Subsequently, on 14.07.2013, respondent No.1 and his family threatened to kill the petitioner by throwing boiling milk on her, which caused her to run away from the matrimonial home. The petitioner dialed '100' and the police arrived at the spot. Thereafter, the petitioner went to the police station and got FIR (*supra*) registered.

3. In view of all the material available on the record, the learned trial Court acquitted the respondents-accused vide judgment dated 16.10.2018. Aggrieved by the same, the petitioner preferred an appeal before the learned lower Appellate Court, which was dismissed vide judgment dated 20.08.2021.

4. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, it transpires that the prosecution has failed to corroborate their version by any documentary evidence in shape of medical reports of the petitioner, as such, it remains unproved that the petitioner was in fact beaten by the respondents-accused. Rather, respondent No.1 has placed on record his medical record as well as photographs of the burn injuries suffered by him, claiming that it was the petitioner who threw boiling milk on him. Moreover, no specific date or month is mentioned as to when the alleged incidents of physical assault occurred. The prosecution claimed that first wife of respondent No.1 was also meted out a similar treatment, however, the petitioner (PW1), her father (PW4) and her brother



(PW7) could not provide any details as to the alleged harassment caused to first wife of respondent No.1.

5. Further, it is alleged that *panchayats* were convened to settle the dispute between the parties, however, neither any dates as to when the same were convened have been provided nor were any of the *panchayat* members named, let alone examined. The prosecution has also failed to examine any independent witness from the neighbourhood to bolster its claims. It appears that the earlier as well the petitioner had filed a complaint against the respondents-accused on allegations of harassment but she had compromised the matter herself. Moreover, the report of the counselor dated 30.07.2016, who was mediating the dispute between the parties, reflects that the petitioner is attempting to misuse the provisions of law and demanded a huge amount on the first day of the mediation exercise itself. As such, the prosecution has evidently failed to prove its case beyond reasonable doubt.

6. Finally, 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.



7. 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, being bereft of any merit.

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

(HARPREET SINGH BRAR)
JUDGE

17.09.2024
manisha

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