

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

250

CRR-3534-2019 (O&M)

Date of order: 11.03.2024

Rajwinder Kaur @ Rajwant Kaur

.....Petitioner(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Sukhsandesh Singh Chahal, AAG Punjab.

Nidhi Gupta, J.

Challenge in the present petition is to judgment and order dated 20.08.2019 passed by learned Additional Sessions Judge, Tarn Taran upholding the judgment dated 15.12.2015 passed by learned Sub-Divisional Judicial Magistrate, Patti whereby the accused/respondents No.2 to 7 herein, have been acquitted in case FIR No.162 dated 20.06.2012 registered under Sections 406, 498-A and 506 IPC at Police Station Patti.

2. Brief facts of the case are that the complainant/petitioner Rajwant Kaur was married with Surinderpal Singh/respondent No.4 on 16.01.2012. It is alleged that her parents had given sufficient dowry articles and Alto car at the time of her marriage but her in-laws sold the said car and started demanding Safari car and started harassing her and also subjected her to beating even though she told her in-laws that her parents were very poor. She had told about the said incident to her parents on telephone. Then on 02.02.2012, respondents

No.2 to 7 in connivance with each other subjected her to beatings and cruelty and turned her out of matrimonial house for bringing insufficient dowry. On the basis of an application moved by complainant/petitioner Rajwinder Kaur @ Rajwant Kaur, inquiry was conducted. Dowry articles were taken into police possession. Site plan was prepared. MLR of injured was obtained. On the basis of aforementioned statement of complainant, FIR was lodged. Accused were arrested in this case. Statements of witnesses were recorded. After completion of all necessary formalities of investigation, challan against respondents No.2 to 7 herein was presented before the trial court.

3. Learned counsel for the petitioner inter alia submits that the petitioner had led cogent evidence and thus duly proved the prosecution case through oral as well as documentary evidence. It is submitted that the findings returned by the learned Courts below are contrary to the said evidence on record and hence, respondents No.2 to 7 have been wrongly acquitted. It is contended that Learned Courts below have also ignored the MLR of the petitioner and evidence of the doctor who was examined. It is submitted that the dowry articles were entrusted to the in-laws of the petitioner, which were misappropriated by them. Therefore, allegations under Section 406 IPC were also established. Accordingly, judgments of the Courts below be set aside.

4. No other argument is made on behalf of the petitioner.

5. I have heard learned counsel for the petitioner and perused the case file in detail.

6. This petition is of the year 2019; and notice has not yet been issued in the matter as, either the matter has been adjourned on request of counsel for the petitioner, or no one has appeared on behalf of the petitioner.

7. Be that as it may, the relevant findings of the learned trial Court in respect of all the allegations/contentions made on behalf of the petitioner, as contained in Para 12 of the judgment dated 15.12.2015, are as under:-

“12. Therefore, after considering the evidence led by prosecution and after taking into consideration the cross examination of witnesses, this court is of the considered view that prosecution has miserably failed to prove its case against all the accused beyond every reasonable shadow of doubt because prosecution has firstly failed to prove the basic ingredients of Section 406 of IPC because there is no evidence on record that complainant Rajwant Kaur demanded the Istri Dhan from the accused and accused refused to hand over the same. It is also pertinent to mention here that prosecution has not placed on record original bills of the dowry articles to prove the misappropriation which is also fatal to the case of prosecution and complainant Rajwant Kaur has also not produced the original bills of the Istri Dhan given to her by her parents which makes the giving of dowry articles highly doubtful. It is also pertinent to mentioned here that even in application Ex.PW1/A, nothing was mentioned regarding dowry articles and MLR and beatings and this has also create suspicion regarding injuries on the person of Rajwant Kaur. Moreover, Alto Car is also not in the name of accused which is also fatal in the case of prosecution and so far as the MLR of complainant is concerned there are six injuries upon her person but all the injuries are simple in nature and Dr. Sudarshan

Kumar during cross examination has admitted that injuries can be caused with friendly hand. Therefore, possibility cannot be ruled out that Rajwant Kaur herself suffered the said injuries to implicate the accused. Moreover, there is no specific entrustment of dowry articles to specific person which is mandatory for invoking basic provisions of Section 406 of IPC. Moreover, complainant Rajwant Kaur during cross examination, has herself admitted that she is not ready to go with the accused and she is not ready to reside in her in laws and she admitted that property measuring 3 acre has been transferred in her name, meaning thereby that complainant Rajwant Kaur is not ready to live in the house of accused despite giving valuable property of 2 acre. Therefore, in view of above said findings, the court is of the considered conclusion that prosecution has failed to prove case against all the accused beyond every reasonable shadow of doubt as there are major discrepancies and shortcomings in the prosecution which make it highly doubtful.....”

(Emphasis added)

8. Learned counsel for the petitioner is unable to controvert the above said findings of the learned Court below.
9. In view of the above, I find no merit in the present petition and the same is accordingly, **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

11.03.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No