

CRM-A-145-2019

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-145-2019

Date of Decision: 22.02.2024

SAJIDA

...Applicant-Appellant

Versus

TOFIQ AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Randhir Singh, Advocate
for the applicant-appellant

HARPREET SINGH BRAR, J. (ORAL)

1. This instant application under Section 378(4) Cr.P.C is preferred against the judgement dated 28.09.2018 passed by learned Judicial Magistrate Ist Class, Ferozepur Jhirka in the complaint case COMI-24-2015 instituted by the applicant-complainant in the form of protest petition under Sections 420, 376, 467, 468, 471, 506, 120-B IPC vide which the aforesaid complaint was dismissed for want of complainant and thereby, the respondents-accused were acquitted.

2. The facts, in brief, are that allegedly, the applicant-complainant being a widow lady, was duped by respondent no.1-accused on pretext of getting her 'widow pension'. Respondent no.1 even got her thumb impression on a blank paper in lieu of the same. Then respondent no.1 made a marriage proposal to the applicant which was refused by her but even then, he maintained physical relations with her for two years and even raped her at times. Then respondent no.1 took the applicant to Gurgaon and again obtained her thumb impressions on blank papers. When the applicant demanded respondent no.1 to marry her, he kept on lingering the matter and ultimately, married someone else. Upon this,

the applicant threatened to report the matter to police but respondent no.1 in collusion with the other respondents-accused prepared a forged deed of marriage dated 05.09.2015 and one forged Nikahnama dated 20.03.2013. The applicant being an illiterate person, never put her signatures on the said forged documents. To the dismay of the applicant, the concerned police also acted in collusion with the respondents and in order let them go scot free, filed a cancellation report. Accordingly, the applicant filed the protest petition (supra) in which respondent no.1-accused was summoned to face trial under Section 465 of IPC. Ultimately, the protest petition/complaint was dismissed due to non-appearance of the applicant as per Section 256 Cr.P.C and aggrieved by the same, the applicant has approached this Court in the instant case.

3. Having heard the learned counsel for the applicant and after perusing the record with his able assistance, this Court finds that despite levelling serious allegations against the respondents, the applicant did not seem to be interested in pursuing the complaint (supra) filed by her. Perusal of the material on record further shows that notice was sent to the applicant at the address mentioned by her in the complaint (supra) multiple times but were received back with reports that the applicant had stopped residing at the address provided and her house had remained locked for many days. Therefore, the reasons recorded by the learned trial Court while dismissing the complaint/protest petition stand validated.

4. In view of the facts and circumstances of the case, this Court finds that learned counsel for the applicant-appellant has failed to point out any perversity or illegality in findings recorded by the learned trial Court which

warrants interference by this Court. As such, there is no merit in the present application and hence, the leave to appeal is denied.

(HARPREET SINGH BRAR)
JUDGE

22.02.2024
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>