

**CRR-99-2018 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRR-99-2018(O&M)
Date of decision: 05.05.2025****NEETA****...PETITIONER****V/S****PRIYADARSHI AND ORS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KIRTI SINGH****Present:** Dr. Anand Kumar Bishnoi, Advocate
for the petitioner (through video conferencing).**********KIRTI SINGH, J. (ORAL)**

The present petition has been preferred against the judgment of acquittal dated 11.08.2014 passed by the learned Judicial Magistrate Ist Class, Faridabad, and judgment dated 25.09.2017 passed by learned Additional Sessions Judge, Faridabad, whereby respondents No.1 to 3 were acquitted of offences punishable under Sections 406, 498A, 506 and 323 of IPC.

2. Brief factual matrix is that marriage of the petitioner was solemnized with respondent No.1 on 11.02.2005, at which time it is stated that the parents of the petitioner gave sufficient dowry and spent more than Rs.15,00,000/-. The allegations levelled against the respondents that soon after her marriage, they started taunting and harassing the complainant on account of dowry and raised a demand for a BMW car, alongside Rs.5,00,000. On 19.08.2005 and 25.11.2005, the petitioner was beaten by her husband, with the latter incident rendering her unconscious and requiring hospitalization. In February 2006, her father fulfilled the monetary demands, following which the petitioner was reinstated in the matrimonial home. However, a further demand of Rs.10,00,000 was advanced in 2007 and on 10.11.2007, the petitioner was expelled from her matrimonial home.



It is further alleged that a false case was filed against her brother and that threats were extended to her on 06.04.2008. It is thereafter that a complaint was made on 09.04.2008, based on which FIR No.82 dated 04.06.2008 was registered under Sections 498A, 406, 323, and 506 IPC. Pertinently, allegations were levelled against total seven accused, out of whom the mother-in-law and brother-in-law of complainant as also children of respondent Nos.2 & 3 were discharged by the learned trial Court vide order dated 05.04.2010. Charges under Sections 498A, 406, 323, and 506 IPC were framed against respondent No.1-husband while charge under the stand-alone provision of Section 498-A was framed against respondents No.2 and 3. However, since the prosecution had failed to establish guilt of the accused persons (respondents herein) beyond the shadow of reasonable doubt, they were acquitted by the trial Court vide judgment dated 11.08.2018. Appeal against the judgment was preferred by the petitioner-complainant as also the State, both of which were also dismissed and the acquittal of the respondents was upheld by the learned Additional Sessions Judge, Faridabad vide judgment dated 25.09.2017. Against the said order of acquittal and the order dismissing the appeals filed to challenge the same, the present revision petition has been preferred.

3. Learned counsel for the petitioner submits that the learned Court has erred in not considering the evidence that was led by the prosecution witnesses, who being the petitioner herself, her father and the middleman who had helped fix the marriage of the petitioner had categorically stated in their testimonies about the specific allegations of cruelty and harassment for dowry against the accused persons. The same were wrongly overlooked by the learned trial Court as also the Appellate Court for the sole reason that there was no evidence, medical or otherwise, to corroborate the contents of the depositions made. Thus, the



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impugned acquittal order and the order passed in appeal are liable to be set aside.

4. Heard.

5. The allegations levelled against the respondents herein are of cruelty on account of demand for dowry, misappropriation of the dowry articles/istridhan of the petitioner, and criminal intimidation. However, the petitioner has failed to prove the charges of the alleged offences beyond reasonable doubt. The allegations against respondent No.1 were of harassment for dowry and beating the applicant. However, neither any specific injury was attributed as having being inflicted by him, nor any medical record, though not *sine qua non*, to corroborate the veracity of the allegations, has been provided. On a perusal of the impugned judgments, it becomes clear that the petitioner in her testimony had admitted that financial condition of her in-laws was better than her family. It was also an admitted fact by the complainant-petitioner and her father that no demand for dowry was made at the time of marriage. Further, no details about the panchayats purported to have been convened were advanced by PW-3 father and PW-4 Hari Kishan, the middleman who had arranged the marriage. Further, it was mentioned in the complaint that a divorce petition was filed by the husband prior to the filing of the complaint by the petitioner, qua which neither the petitioner nor her father gave any submission in their testimonies. The fact that no complaint qua the allegations were levelled during the time when parties were cohabiting, and the fact that the petitioner was allegedly expelled from her matrimonial home on 10.11.2007 however, a complaint was advanced on 09.04.2008, weighed in before the Court conducting trial and in appeal. Insofar as the allegation qua entrustment of dowry articles is concerned, no specifications or details as to when the petitioner asked for them to be returned were made. It was also specifically averred by the petitioner in her complaint that respondent Nos.2 & 3 came to her



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parental house and extended the threat to kill. During her cross-examination qua the said fact the petitioner stated that at the time of the incident, her mother was nearby. However, neither she nor her father stated that the threats were extended in the presence of her mother, who was also not examined. Thus, the essentials of offences under Sections 406, 498-A, 323 and 506 IPC were also not shown to be fulfilled in order to attract the said penal provisions. All these observations were duly recorded in the judgment of trial and of appeal. Thus, the petitioner has not been able to establish any grounds to point out any illegality in the impugned orders.

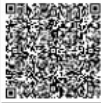
7. Following the observations made in ***Akalu Ahir v. Ramdeo Ram, (1973) 2 SCC 583***, the Hon'ble Supreme Court in ***Thankappan Nadar & Ors. v. Gopala Krishnan & Anr. 2002(9) SCC 393***, laid down the aforesaid principles :

"6. In a revision application filed by the de facto complainant against the acquittal order, the Court's jurisdiction under Section 397 read with Section 401 Cr. P.C., 1973 is limited. The law on the subject is well settled. Instead of referring to various judgments, we would only refer to a few decisions rendered by this Court. In ***Akalu Ahir v. Ramdeo Ram, (1973) 2 SCC 583***, this Court has (in SCC pp. 587-88, para 8) observed thus:

"This Court, however, by way of illustration, indicating the following categories of cases which would justify the High Court in interfering with a finding of acquittal in revision :

- (i) Where the trial court has no jurisdiction to try the case, but has still acquitted the accused;
- (ii) Where the trial court has wrongly shut out evidence which the prosecution wished to produce;
- (iii) Where the appellate court has wrongly held the evidence which was admitted by the trial court to be inadmissible;
- (iv) Where the material evidence has been overlooked only (either) by the trial court or by the appellate court ; and
- (v) Where the acquittal is based on the compounding of the offence which is invalid under the law.

These categories were, however, merely illustrative and it was clarified that other cases of similar nature can also be properly held to be of exceptional nature where the High Court can justifiably interfere with the order of acquittal ."



The Court further observed: (SCC p. 588, para 10)
"10. No doubt, the appraisal of evidence by the trial Judge in the case in hand is not perfect or free from flaw and a court of appeal may well have felt justified in disagreeing with its conclusion, but from this it does not follow that on revision by a private complainant, the High Court is entitled to reappraise the evidence for itself as if it is acting as a court of appeal and then order a retrial. It is unfortunate that a serious offence inspired by rivalry and jealousy in the matter of election to the office of village mukhia, should go unpunished. But that can scarcely be a valid ground for ignoring or for not strictly following the law as enunciated by this Court ."
(emphasis added)"

8. Further the Hon’ble Apex Court in **“Johar Vs. Mangal Prasad”** held that the revisional jurisdiction of the High Court in terms of Section 397 read with Section 401 of the Code of Criminal Procedure is severally restricted, particularly when it arises from a judgment of *acquittal* .
9. Having perused the facts of the case as also the findings recorded by trial Court, this Court is of the considered opinion that in the case in hand, there is no infirmity or irregularity in the impugned orders dated 11.08.2014 and 25.09.2017, whereby trial Court has acquitted the respondents No.1 to 3. The same being speaking, well reasoned and based upon correct appreciation of facts, applicable law & judicial precedents, needs no interference. As a corollary, present revision petition is dismissed.

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

05.05.2025
Kavita

(KIRTI SINGH)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |