

2025.PHHC.018878



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-A-2086-2019 (O&M)

Date of Decision:05.02.2025

Preeti

.....Applicant

Versus

Ravi Kant and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Aayushi, Advocate for
Ms. Paridihi Aggarwal, Advocate for the applicant.

JASGURPREET SINGH PURI J.(Oral)

CRM-27814-2019

The present application has been filed under Section 5 of the Limitation Act read with Section 482 of the Code of Criminal Procedure for condonation of delay of 36 days in filing the accompanying application under Section 378(4) Cr.P.C. for grant of leave to appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 36 days in filing the application under Section 378(4) Cr.P.C., is hereby condoned.

Application stands disposed of.

Main case

1. The present is an application filed under Section 378(4) read with Section 482 of the Cr.P.C., seeking leave to appeal against the order of acquittal.

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2. Learned counsel appearing on behalf of the applicant submitted that the applicant had filed a criminal complaint before learned Trial Court, in which the respondents-accused were acquitted. She further submitted that the grounds on which the respondents-accused were acquitted by learned Trial Court were that the applicant had failed to prove the case beyond a reasonable doubt. The allegations made by the applicant against the respondents-accused were found to be vague, evasive, and lacking specific details, such as dates, pertaining to the cruelty alleged. Furthermore, insofar as the entrustment of any *stridhan* is concerned, there were no specific allegations pertaining to the same. Therefore, on that basis, the learned Magistrate acquitted the respondents-accused persons. She further submitted that when the complaint was filed, specific allegations were made in this regard, but the same have been overlooked by the learned Magistrate.

3. I have heard the learned counsel for the applicant.

4. On the complaint filed under Sections 406, 498-A, 506, 120-B, and 34 of the IPC by the applicant, the learned Magistrate observed that the applicant had deposed as CW1, but the allegations were vague and evasive. Another witness, CW-2, on behalf of the complainant namely Gurvinder Singh, deposed that he knows the accused persons and attended the marriage of accused No. 1 and the complainant. However, he stated that he was never a witness to any beating by the accused persons towards the complainant. He also did not state anything pertaining to the alleged taunts given by the accused persons to the complainant. Therefore, the testimony of CW-2 was of no value. Apart from the above, no other witness was examined.

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5. After considering the aforesaid evidence, learned Trial Court concluded that no specific date, month or year for the alleged demand, beating or maltreatment has been proved on record. Additionally, neither was there any medical evidence to show that the complainant had ever undergone a medico-legal examination to prove that she was beaten by the accused, nor was any independent witness examined to corroborate the complainant's version.

6. Considering the fact that the allegations were vague and bereft of any details of time and place of incident, learned Judicial Magistrate First Class acquitted the accused persons on the ground that there were no grounds for framing of the charges, and the accused persons were therefore discharged.

7. After hearing learned counsel for the applicant and perusing the impugned order, this Court is of the considered view that no grounds have been made out for granting leave to appeal against the judgment of acquittal/discharge.

8. Consequently, the application under Section 378(4) read with Section 482 of the Cr.P.C. is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

05.02.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No