

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-687-MA-2016

Date of Decision:23.09.2025

PREETI

...Applicant

Vs.

STATE OF HARYANA & ORS

...Respondent

CORAM:- HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. P.K. Rohilla, Advocate for the applicant.
Ms. Swati Batra, Senior DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present appeal has been filed against the judgment and order dated 11.01.2016 passed by learned Additional Sessions Judge, Karnal, whereby respondent Nos. 2 and 3 had been acquitted in FIR No. 90 dated 28.02.2015 under Sections 354(D), 34, 506 IPC and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989, registered at Police Station, Assandh.

2. Learned counsel for the applicant/complainant submits that, despite the presence of cogent and compelling evidence against respondent Nos. 2 and 3, the Court below failed to duly appreciate the same, resulting in a wrongful acquittal of respondent Nos. 2 and 3. It is further submitted that respondent Nos. 2 and 3 had made sexist/castiest remarks towards the applicant/complainant in full public view, but the Court below has overlooked the same in its judgment. Such remarks not only caused significant harm and humiliation to the applicant/complainant but also demean and discriminate against her on the basis of gender/caste.

3. However, learned State counsel submits that according to the prosecution, two friends accompanied the complainant during the incident. One of them turned hostile, while the other, namely Sonia, did testify regarding the

incident, but she is an interested witness.

4. The present case arise out of an incident involving an adolescent, where the applicant construed the respondent's conduct as an attempt to establish friendship with her. The applicant, however, deliberately avoided any interaction or communication with respondent Nos. 2 and 3. In defence respondent Nos. 2 and 3 had taken the plea before the learned Court below that they merely stopping the applicant to initiate a conversation would not constitute an offence. Moreover, apart from the applicant's own statement, which is vague, lacking clarity and coherence, there is no other substantive allegation proved against the respondents. Therefore, the entire narrative appears to be based on an unsubstantiated perception of events rather than on any cogent evidence of wrongdoing.

5. Heard learned counsel for the parties at length.

6. It is a cardinal principle of criminal jurisprudence that the prosecution is bound to establish its case beyond all reasonable doubts. In present case, no independent witness has been examined to support the allegations. Simply attempting to speak to a girl, by itself, does not attract the ingredients of Section 354(D) of the IPC. Moreover, the other friend of the prosecutrix, namely, Sheetal, who appeared as DW-1, has stated that no such incident occurred. This testimony further weakens the prosecution's case and highlights the absence of credible evidence.

7. In light of the above, the present appeal is devoid of any merit and is accordingly **dismissed**.

(ALOK JAIN)
JUDGE

23.09.2025

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