

CRR-2661 of 2015

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

CRR-2661 of 2015

Date of decision: 14.07.2025

Smt. Vandana

.....Petitioner

Versus

Vijay and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: - Mr. D.S. Nain, Advocate,  
for the petitioner.

Mr. Ramendra Singh Chauhan, AAG, Haryana.

**NAMIT KUMAR, J.**

1. Instant revision petition has been preferred against the judgment dated 21.11.2013, passed by learned Judicial Magistrate Ist Class, Narwana, District Jind, vide which respondents No.1 to 3 were acquitted of the charges under Sections 406, 498-A and 506 IPC in a case arising from FIR No.119 dated 02.09.2009 registered under Sections 406, 498-A, 506 IPC at Police Station Garhi, as well as against the judgment dated 06.02.2015, vide which the appeal preferred by the petitioner against the judgment of the trial Court, has been dismissed.

2. Brief facts of the case are that petitioner-complainant filed a criminal complaint under Sections 498-A, 406 and 506 IPC against respondents No.1 to 3 in the Court of learned Judicial Magistrate Ist Class, Narwana, which was forwarded to Police Station, Garhi under Section 156(3) Cr.P.C. It was asserted in the complaint that the marriage of the petitioner-complainant was solemnized with respondent

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No.1-accused Vijay on 19.02.2003. Her father had given sufficient dowry as per demands of respondents-accused and beyond his capacity as detailed in para No.1 of the complaint, but respondent No.1-accused and his family members being greedy persons were not satisfied with the same. Out of their wedlock, one son namely Deepanshu was born on 17.04.2004 and at that time her family members had given Rs.1 lac in cash besides gold jewellery weighing six tolas to the respondents-accused. Despite this, the respondents-accused, who are her husband, mother-in-law and sister-in-law were not satisfied with the dowry articles and started taunting her. Her sister-in-law Babli demanded Rs.1 lakh, which was paid by her father on 30.03.2003. In the year 2007, the respondents-accused expressed their desire to purchase a house in Panipat and asked her to bring Rs.5 lacs from her parents and at that time her father gave Rs.2 lacs to them, but even then they were not satisfied. When she tried to persuade them that her father was not in a position to pay more amount, they became frustrated and gave her merciless beatings. In the month of March, 2008 they turned her out from the matrimonial home only in three wearing apparels and refused to return her *ishtridhan*. They threatened her to kill by showing her a container of kerosene oil, if she returned back without Rs.3 lacs. Thereafter, she returned to her parental village Dhanori and since then she was residing with her parents. She narrated the entire incident to her family members, whereupon they took a Panchayat at the house of respondents-accused and tried to persuade them, but they remained adamant on their demand of Rs.3 lacs and refused to keep her with

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them. On 02.08.2009, the respondents-accused alongwith her sister-in-law Babli, came to her parental home and asked that they would not allow her to return without fulfilling their aforesaid demand of Rs.3 lacs and also threatened with dire consequences. She moved an application against the respondents-accused at Police Station, Garhi, but the Police did not take any action against them. Hence, petitioner filed the aforesaid complaint under Section 156(3) Cr.P.C and on the basis of aforesaid complaint, FIR under Sections 498-A, 406 and 506 IPC was registered in Police Station, Garhi and the investigation was conducted by ASI Karan Singh. During investigation, he recorded the statements of relevant witnesses and arrested respondent No.1-accused Vijay @ Situ on 05.09.2009. Respondents-accused Ram Kumar and Kelawati were on anticipatory bail and thus they were joined in the investigation. During investigation, Babli was found to be innocent. After completion of necessary investigation, final report under Section 173 Cr.P.C. was prepared and submitted in the Court of learned Illaqa Magistrate against respondents No.1 to 3.

3. As per the provisions contained under Section 207 Cr.P.C., the copies of the challan were supplied to the respondents-accused and upon finding a *prima facie* case, they were charge-sheeted under Sections 498-A, 406 read with Section 34 and Section 506 IPC by learned Chief Judicial Magistrate, Jind vide order dated 25.11.2009.

4. The trial Court, after hearing learned counsel for the parties and appreciating the evidence on record, acquitted respondents No.1 to 3 vide impugned judgment dated 21.11.2013.

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5. Aggrieved by the judgment of the trial Court, petitioner preferred an appeal, which has been dismissed by the learned Sessions Judge, Jind, vide judgment dated 06.02.2015. Hence, the present revision petition.

6. Learned counsel for the petitioner has vehemently contended that both the Courts below have drawn a wrong conclusion in acquitting the accused persons. It was contended that the prosecution had proved its case beyond reasonable doubt and there were specific allegations of harassment and cruelty inflicted upon the complainant, which were duly proved beyond reasonable doubt. He has submitted that respondent no.1 alongwith his family members used to abuse the complainant for not bringing sufficient dowry. The family members of respondent No.1 misbehaved with the petitioner by using abusive language. He contended that the petitioner was driven out of her matrimonial home on account of demand of dowry and hence her harassment and cruelty were duly proved by the petitioner by leading cogent evidence, which has been mis-interpreted by the Courts below. He has further submitted that since the findings arrived at by the Courts below are totally based on misreading of the evidence, both the judgments deserve to be set aside by convicting respondents No.1 to 3 for the offences under Sections 406, 498-A read with Section 34 and 506 IPC.

7. Learned State counsel has supported the contentions of the learned counsel for the petitioner and submitted that respondents No.1 to 3 have wrongly been acquitted by the Courts below.

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8. I have heard learned counsel for the parties and perused the record.

9. The FIR in question was registered on the complaint of the petitioner alleging therein demand of dowry and harassment to her by respondents No.1 to 3. Respondent No.1 is the husband of petitioner and respondents Nos.2 and 3 are her father-in-law and mother-in-law, respectively. In support of her case, petitioner appeared as PW1. During her cross-examination, petitioner could not produce any slip/receipt of the dowry articles. It is self-deposition of the petitioner that her parents had spent the money at the time of marriage voluntarily and happily, and that there was no demand for dowry by respondents Nos.1 to 3 and the demand was made only after the marriage. However, PW2-father of the petitioner/complainant stated that while other articles were gifted voluntarily but a motorcycle was specifically demanded at the time of marriage. Both the witnesses could not produce any receipt of dowry articles. Qua allegation of being taunted for bringing insufficient dowry articles in the complaint, no specific date or detailed incident has been mentioned either in the complaint or in the examination-in-chief of the witnesses. Furthermore, with regard to the alleged beatings given by the private respondents to the petitioner, to substantiate their allegation, no medical record has been produced by the petitioner/complainant or her father. No relative or independent witness was examined to support the allegations of torture or demand of dowry.

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10. In support of the case, the prosecution produced 7 prosecution witnesses alongwith documentary evidence. The petitioner-complainant appeared as PW-1. Her father has appeared as PW-2. On appreciation of evidence produced, it was found that the allegations were vague and unspecific. There were no reliable evidence produced by the prosecution regarding entrustment of dowry items except the oral evidence. It has come on record that father-in-law and mother-in-law have been residing separately and they have disowned their son and petitioner, as such there is no valid reason for them to harass the complainant. On appreciation of the overall evidence on record, the evidence so produced by the prosecution during trial found to be not cogent and credible enough to base conviction of respondents-accused persons and thus, the charges framed against the accused under Sections 406, 498-A read with Section 34 and 506 IPC were found to be not proved beyond reasonable doubt, as a result of which the trial Court acquitted the accused, which was upheld by the appellate Court. Thus, the evidence produced and the argument advanced were appreciated by the trial Court, which were re-appreciated by the Appellate Court and thus, both the Courts below found the case against the respondents not having been proved beyond reasonable doubt and hence there is a concurrent finding in favour of the respondents-accused.

11. The jurisprudence surrounding interference with an order of acquittal is both well-settled and cautiously circumscribed. Two foundational principles merit attention. Firstly, the revisional

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jurisdiction is to be exercised sparingly, particularly when the findings of fact recorded by the Courts below are concurrent. Interference is warranted only when there exists a glaring defect in procedure, a manifest error in the application of law or a perverse appreciation of evidence that shocks the conscience of the Court. It is not the function of a revisional Court to reappraise evidence as if sitting in appeal. Rather, the scope is narrow, intended to correct palpable errors that render the process unjust. This settled-position has been eloquently affirmed by the Hon'ble Supreme Court in ***K. Chinnaswamy Reddy v. State of A.P., AIR 1962 SC 1788***. In paragraph 7 of the said judgment it has been observed as under: -

*“7. It is true that it is open to a High Court in revision to set aside an order of acquittal even at the instance of private parties, though the State may not have thought fit to appeal; but this jurisdiction should in our opinion be exercised by the High Court only in exceptional cases, when there is some glaring defect in the procedure or there is a manifest error on a point of law and consequently there has been a flagrant miscarriage of justice. Sub-section (4) of Section 439 forbids a High Court from converting a finding of acquittal into one of conviction and that makes it all the more incumbent on the High Court to see that it does not, convert the finding of acquittal into one of conviction by the indirect method of ordering retrial when it cannot itself directly convert a finding of acquittal into a finding of conviction. This places limitations on the power of the High Court to set aside a finding of acquittal in revision and it is only in exceptional cases that this power should be exercised. It is not possible to lay down the criteria for determining such*

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*exceptional cases which would cover all contingencies. We may, however, indicate some cases of this kind which would in our opinion justify the High Court in interfering with a finding of acquittal in revision. These cases may be: where the trial court has no jurisdiction to try the case but has still acquitted the accused, or where the trial court has wrongly shut out evidence which the prosecution wished to produce. or where the appeal court has wrongly held evidence which was admitted by the trial court to be inadmissible, or where material evidence has been overlooked either by the trial court or by the appeal court, or where the acquittal is based on a compounding of the offence, which is invalid under the law. These and other cases of similar nature can properly be held to be cases of exceptional nature, where the High Court can justifiably interfere with an order of acquittal; an in such a case it is obvious that it cannot be said that the High Court was doing indirectly what it could not do directly in view of the provisions of Section 439 (4). We have, therefore, to see whether the order of the High Court setting aside the order of acquittal in this case can be upheld on these principles.”*

12. The provisions of Section 498-A IPC were added by the Legislature, in its wisdom, for the protection of women but these provisions are being misused day in and day out. Whenever there is a matrimonial dispute between husband and wife all the relatives of the husband i.e. brothers, sisters and parents are also roped in the litigation on the allegation of demand of dowry, whether they are living jointly or separately. Sometimes, the parents who are aged about 80 to 90 years and unable to walk or talk and the sisters living at far off places in the matrimonial houses are also involved. In such like situation, the Courts

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while framing charge should be very cautious. Charges should be framed when there is a cogent and convincing evidence. If on the face of the complaint it shows that complaint is false, charge should not be framed.

13. Weighing the facts and circumstances of the present case on the anvil of the law settled by the Hon'ble Supreme Court, this Court finds no infirmity in the concurrent findings arrived at by both the Courts below.

14. Resultantly, the present petition being devoid of any merit is hereby dismissed.

14.07.2025  
R.S.

**(NAMIT KUMAR)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No