



CRM-A-525-2022 (O&M)

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

(210)

CRM-A-525-2022 (O&M)

Date of decision : 20.08.2025

Guddi

... Applicant/Appellant

Versus

State of Haryana and others

... Respondents

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
HON'BLE MR. JUSTICE H.S. GREWAL**

Present:- Mr. Shokeen Singh Verma, Advocate
for the applicant.

Mr. Rahul Mohan, Addl. A.G., Haryana.

H.S. Grewal, J.

1. The present application has been preferred under Section 378(4) Cr.P.C. seeking grant of leave to appeal against the judgment of acquittal dated 18.02.2020 passed by the learned Additional & Sessions Judge, Charkhi Dadri in a complaint case for an offence punishable under Sections 147, 148, 323, 452, 376 read with Sections 511 & 506 IPC as well as Section 7 of the Prevention of Corruption Act.

2. The brief facts of the case are that the applicant/complainant, who was a resident of village Tiwala, had alleged that on 27.12.2011, at about 10.00 a.m., accused Amit alias Foji (respondent No.2) was standing on the roof of his house and was urinating towards her house. The complainant had narrated this



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fact to her father, on which, he went to the house of Amit alias Foji (respondent No.2) to make a complaint, and returned back. It is further alleged that at about 01.00/01.30 p.m., Amit alias Foji, Ashok, Satish Kumar, Sunil Kumar, Sandeep, Chhoti and Santro, armed with iron-pipes and lathis, after hatching a conspiracy among them, had entered into the house of the complainant and started beating her. Accused Amit, who was having an iron-pipe, had given a blow on the head of her father while accused-Ashok Kumar, who was carrying a lathi, had given a blow on the left eye of her sister. Accused-Sunil, who was carrying an iron-pipe, had given a blow on her back, whereas, accused-Satish and Sandeep, who were having lathis, gave blows on the back of her sister and father while accused Santro and Chhoti also gave slaps and fist blows to her sister. The complainant had stated that the accused persons pulled her hair and also robbed earring of her sister. Amit alias Foji laid her down in the courtyard and tried to commit rape upon her and when she tried to rescue herself, her brother reached there, upon seeing him, the accused fled away from the spot.

3. Thereafter, the complainant, her sister and her father were medico-legally examined at Civil Hospital, Charkhi Dadri and the complainant had moved an application to SHO of Police Station Charkhi Dadri along with MLR with a request for taking an action against the accused persons but no action was taken by the police. Moreover, Head Constable Raj Kumar asked for a bribe for taking action against the accused persons. Hence, the present complaint has been filed.



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4. On the basis of the preliminary evidence led by the complainant, only respondents No.2 to 6 were summoned to face the trial for commission of offences punishable under Sections 147, 148, 323, 376/511, 452 and 506 of IPC and consequently charges were framed against them. In addition thereto, charges under Section 376 read with Section 511 of IPC were framed against respondent No.2-Amit @ Foji to which all the accused persons had pleaded not guilty and claimed trial.

5. Learned counsel for the complainant/applicant submits that the trial Court had erred in acquitting respondents No.2 to 6 despite cogent, reliable and duly corroborated evidence brought on record by the prosecution establishing the commission of offence. Learned counsel submits that the prosecutrix had specifically named and identified the accused persons during her testimony in Court. Moreover, the version of the complainant was duly supported by her father and sister, who had also suffered injuries in the same occurrence. The medical reports (MLRs) of the complainant, her father and her sister corroborated the version of assault, showing injuries consistent with the allegations. Learned counsel, however, submits that minor discrepancies in witness statements were natural over time and should not overshadow the consistent and trustworthy testimony of the victims. He also submits that the trial Court had wrongly disbelieved the witnesses and overlooked the settled principle that the testimony of a prosecutrix, if trustworthy, is sufficient for conviction even without independent corroboration. He, therefore, prays for



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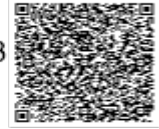
allowing the appeal and setting aside the impugned judgment of acquittal passed by the learned trial Court.

6. We have heard learned counsel(s) and have carefully perused the material available on record.

7. In order to prove its case, the prosecution had examined as many as 05 prosecution witnesses.

8. PW1 Dr. Subhash Yadav, Medical Officer, Civil Hospital, Kosli, District Rewari, had deposed through his affidavit Ex.PW1/A that he had brought the original record of MLRs of victims i.e. complainant, her father and sister. The attested copies of same are Ex.PW1/B, ExPW1/C and Ex.PW1/D respectively, which bear his signatures. He deposed about the contents of MLRs. He further deposed that in his opinion, injuries on the body of complainant could be caused during sexual assault.

9. PW2 is eye-witness/injured i.e. father of complainant/ prosecutrix, who deposed that on 27.12.2011, at about 10.00 a.m., his daughter (complainant) was preparing food in the house. He further deposed that accused Amit was urinating on the roof of his house towards his daughter (complainant) and towards his house in a naked position. His daughter (complainant) had told the above incident to him. Thereafter, he went to the house of accused-Amit for complaining about the matter, but he and his family members did not pay any heed to his request. On the same day, at about 01.00 p.m. accused persons came to his house. He further deposed that accused-Amit



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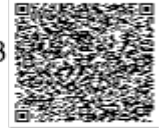
was having iron fukni, whereas remaining accused persons were having dandas in their respective hands. He further deposed that accused Amit gave a fukni blow on his head, and accused Ashok gave danda blow on his hand, whereas, accused Satish gave an iron rod blow on his back. He further deposed that accused Sandeep and Sunil entered in his house and they caused injuries to his daughters. Thereafter, accused Amit @ Foji and Satish caught the hair of his daughter (complainant), and they pulled her in the street from his house. Accused Satish and Amit @ Foji pressed the breast of his daughter (complainant) and threatened that she will not mend her ways without being insulted. Thereafter, the brother of the complainant came there and on seeing him, they all fled away towards their home.

10. PW3 is another eye-witness/injured i.e. sister of the complainant/prosecutrix, who deposed that on 27.12.2011, at about 10 a.m, his sister (complainant) was preparing food whereas her father was sitting near the main gate of the house. Accused Amit was standing behind the windows on the roof of the house and was urinating towards their house. Her sister (complainant) told about this incident to her father. She further deposed that thereafter, her father went to the house of accused-Amit for making complaint about the matter. On the same day, at about 1.00 p.m., she along with her sister (complainant) and father were present in their house, when, accused persons came there. Accused-Amit @ Foji, who was having one iron pipe in his hand, had given an iron pipe blow on the backside of the head of her father. Accused-Satish was having an iron rod in his hand and had given a blow on the back of



her sister (complainant). Accused Sunil was having a danda in his hand, who gave a danda blow near her left eye. Accused Ashok and Sandeep were having lathis in their hands and they gave lathi blows on her backside as well as to her father. Moreover, Accused Amit, Satish and Sunil caught the hair of complainant and they pulled her from their house to the street. Accused-Amit pressed the breast of her sister (complainant), whereas accused Satish and Sunil tore her clothes. Her sister (complainant) shouted and told to them that she is like their sister so do not insult her which resulted in their manhandling with each other. In the meantime, her brother reached there and the accused persons had rushed towards their house. At that time, all the accused persons had threatened to kill them, in case they got a chance in future. Thereafter, her brother called their uncle-Ram Karan and their nephew-Ravi Kant. They were taken to General Hospital, Charkhi Dadri in the vehicle of Sombir and they were medico-legally examined. Police also reached there and obtained their signatures/thumb impressions on some blank papers.

11. PW4 the injured/complainant/prosecutrix had deposed the version as reiterated by PW2 & PW3. In addition thereto, she had deposed that accused Sunil had broken the string of her salwar and tried to commit rape upon her. On reaching his brother, the accused persons fled away from the spot. Thereafter, Ravi Kant and Ram Karan were called by her brothers. Sombir brought the vehicle and they were taken to General Hospital, Charkhi Dadri for treatment. The police also reached there and they had obtained their signatures and thumb impressions on some blank papers but they did not take any action



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against the accused persons and hence, she filed a complaint before the learned Illaga Magistrate, which is Ex.PW4/A.

12. PW5 Surender Singh, Draftsman(Civil) had deposed that on 31.01.2017, he had visited the village Tiwala and prepared unscaled site plan Ex.PW5/A on the demarcation of the prosecutrix.

13. After closing the prosecution evidence, the statements of the accused/respondents were recorded under Section 313 Cr.P.C. and the incriminating circumstances from the prosecution's evidence were presented to them. They had denied the allegations and deposed that they had been falsely implicated in the case.

14. In their defence, the accused/respondents had examined DW1 Kanwar Pal Parmar, Draftsman(Civil), Court Complex, Bhiwani who deposed that he had inspected the house of Ashok Kumar (accused/respondent No.2) and nearby locality and prepared rough notes and on the basis thereof, scaled site plan was prepared which is Ex.DW1/A.

15. DW2 Om Parkash Chowkidar had deposed that two months ago, draftsman Shri Kanwar Pal visited their village and prepared the site plan of the house of Ashok as well as father of the prosecutrix etc. in his presence. Ashok Kumar and Gugan Lambardar were also present there at that time. Sunil and Sandeep are sons of Sumer Singh, and Amit, Ashok and Satish are sons of Vijay Singh. DW2 deposed that Sunil and Sandeep are residing in a separate house, which is shown in the site plan Ex.DW1/A, at point 'A', whereas Amit, Ashok and Satish are residing in the house, which is shown in the scaled site



plan at point 'B'. Surrender and Rajender sons of Lakhma Ram are residing in the house, which is shown at point 'C' in the scaled site plan Ex.DW1/A, which is adjoining to the house of Sunil s/o Sumer Singh. The house of father of the prosecutrix as well as Banwari is double storeyed. The house of accused-Ashok and others is situated in a different street, which is at a distance of about 5-7 houses from the house of the father of prosecutrix/applicant.

16. After appreciating all the material placed before the trial Court, it was observed that the prosecution had failed to prove its case and the accused/respondents No.2 to 6, by giving the benefit of doubt, were acquitted of the charges levelled against them.

17. Upon a careful consideration of the record and the submissions made by learned counsel for the applicant, we find that the trial Court had rightly acquitted respondents No.2 to 6 as the prosecution was unable to establish its case beyond reasonable doubt.

18. The incident had allegedly taken place on 27.12.2011 but the formal complaint before the Magistrate was filed on 07.04.2012 i.e. after a delay of more than three months. Although the complainant and her family claimed that they had earlier approached the police but no proof of any such complaint was ever produced in Court except one *calendra* under Sections 107/151 Cr.P.C. dated 07.01.2012 was shown while the proceedings thereof had not been brought on record. The unexplained delay raised strong doubts and gave scope for afterthoughts and improvements in the prosecution story.

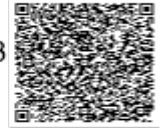


19. It had been noted that the main witnesses i.e. PW-4 (complainant), PW2 (her father) and PW3 (her sister) had changed their versions several times. Such material improvements and contradictions meant that their testimony was unreliable. The Court observed that while small variations may occur naturally but repeated and major changes show lack of truthfulness.

20. The medical evidence does not corroborate with the ocular version as the father of the complainant (PW2) had claimed multiple injuries caused by different accused, but his medical report showed only single injury. Moreover, the prosecutrix had claimed repeated blows on her back but the medical record noted only one bruise. PW1 Dr. Subhash Yadav had categorically stated in this cross-examination that there was no external injury on the person of the prosecutrix. This inconsistency between oral evidence and medical reports undermined the prosecution case.

21. PW2 (Father of the complainant) had admitted that he did not inform the Sarpanch or villagers, which is unusual in rural settings where people normally report such serious incidents to the Panchayat. The complainant and her family also did not produce any independent witnesses, even though the alleged attack happened in a village where neighbors were present.

22. It cannot be ignored that the complainant may have exaggerated the events or falsely implicated the accused. Her statements became more serious with each version, suggesting afterthought or outside influence. The allegations of sexual assault were not supported by medical or other reliable



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evidence. Moreover, the defence pointed out that the accused and the complainant were living in separate streets, which also casts doubt on the prosecution's case.

23. In view of the above, we do not find any illegality or perversity in the judgment of the trial Court acquitting respondents No.2 to 6 and the application under Section 378(4) Cr.P.C. seeking leave to appeal is, hereby, dismissed.

24. Pending application, if any, shall stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

20.08.2025
A.Kaundal

(H.S.GREWAL)
JUDGE

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