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

Sr. No.237

CRM-A-108-2019(O&amp;M)

Date of decision : 15.07.2025

Rupinderjit Kaur

..... Appellant

VERSUS

Paramjit Kaur and others

..... Respondents

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. P.P.S. Brar, Advocate, for the appellant.

Ms. Aakanksha Gupta, AAG, Punjab.

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**KIRTI SINGH, J. (Oral)**

1. The present application has been filed under Section 378 (4) of Cr.P.C., seeking leave to appeal against judgment dated 22.10.2018 passed by the learned Addl. Sessions Judge, Faridkot, whereby the private respondents were acquitted in a criminal complaint under Sections 354/354-A/370/324/323/506/120-B of IPC and Sections 5 & 6 of Child Marriage Restraint Act, 1929.

2. Succinctly put, the prosecution version of the case is that the appellant was 14 years old on 02.04.2007, when her mother-respondent No.1, got solemnized her marriage with respondent No.3, aged 40 years at the time. A male child was born out of the said wedlock on 13.09.2008, when the appellant was all of 15 years of age and as a consequence of her pregnancy, the appellant suffered various health complications. Subsequently, respondent No.3, ousted the appellant from matrimonial home, whereafter a decree of divorce was obtained on 17.07.2015. Meanwhile, the appellant was taken in by respondent No.1-mother, where

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the appellant was purportedly coerced her into establishing physical relations with third parties in exchange of money. Upon her refusal to comply, the appellant was disinherited and subjected to cruelty.

3. Learned counsel for the appellant submits that the learned trial Court has wrongly dismissed the complaint under Sections 323, 506, 354, 354-A, 370 read with Section 120-B IPC. The observation has wrongly been recorded that besides the testimony of the complainant, no independent witness was examined to corroborate appellant's version. It is further submitted that the learned trial Court acquitted the private respondents merely on the basis of the seemingly minor contradictions in the statements made by the appellant over the course of the trial. Despite leading sufficient before the Court, the same has been misread and thus, the private respondents have been acquitted. The allegations of voluntarily causing hurt, extending life threats, outraging modesty with criminal force and forcing the appellant to indulge in physical relations against her wishes, stand duly proved and thus, the impugned judgment warrants to be set aside.

4. Learned State counsel submits that the prosecution, in order to prove its case examined solely the complainant; whereas four witnesses were examined on oath from the defence side. The impugned judgment dated 22.10.2018 was passed by the learned Addl. Sessions Judge, Faridkot, whereby the accused persons were acquitted by giving them the benefit of doubt.

5. After having heard the case and perused the record, it comes out that the present complaint was lodged at the instance of the complainant against the respondents who are undisputedly appellant's family members.

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On a perusal of the judicial file, it comes to the fore that though in the complaint it was mentioned by the appellant that her marriage was solemnized with accused Gurcharan Singh in 2007, however, she could not depose with respect to the date or year of her marriage in her testimony as a prosecution witness. Even if, arguendo, it is taken that her marriage was solemnized in 2007, even then she had the opportunity to approach the Court within a period of one year to avail her remedy, which was not the case. Rather, it was admitted by the complainant that she did not raise the issue of her alleged invalid and forcible marriage before the Panchayat or any investigating agency. Infact, the present complaint was filed in the year 2016 i.e. after about 09 years from 2007. It was also an admitted fact that the complainant was embroiled in a dispute with her mother and sister after the death of her father regarding her share in the land and the house owned by her father. Furthermore, no witness was examined in support of the case of the prosecution. Though in the complaint, it had been stated that the complainant had disclosed about the alleged incident to her friend Ramanjeet Kaur, whereafter both of them approached the police officials at PP Bargari. However, no such documents or even witnesses in support of this averment were presented; nor did the prosecution examine the said Ramanjeet Kaur as a prosecution witness. With respect to the hurt allegedly caused to the complainant, no witness was examined and neither was any medical evidence, though not *sine qua non*, was placed on record. It was therefore that the respondents were acquitted by the learned trial Court, on the ground that the prosecution had failed to bring about any cogent or convincing evidence in support of the allegations leveled, thereby not being

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able to establish the case against the accused persons beyond the shadow of reasonable doubt.

6. Following the observations made by its Constitution Bench in *M.G. Agarwal v. State of Maharashtra (1963) 2 SCR 405*, the Supreme Court in *Ghurey Lal v. State of UP (2008) 10 SCC 450* laid down the aforesaid principles :

*"69. The following principles emerge from cases*

*1. The Appellate Court may review the evidence in appeals against acquittal under sections 378 and 386 of the Criminal Procedure Code, 1973. Its power of reviewing evidence is wide and the appellate court can re-appreciate the entire evidence on record. It can review the trial court's conclusion with respect to both facts and law.*

*2. The accused is presumed innocent until proven guilty. The accused possessed this presumption when he was before the trial court. The trial court's acquittal bolsters the presumption that he is innocent.*

*3. Due or proper weight and consideration must be given to the trial court's decision. This is especially true when a witness' credibility is at issue. It is not enough for the High Court to take a different view of the evidence. There must also be substantial and compelling reasons for holding that the trial court was wrong.*

*70. In light of the above, the High Court and other appellate courts should follow the well-settled principles crystallized by number of judgments if it is going to overrule or otherwise disturb the trial court's acquittal:*

*1. The appellate court may only overrule or otherwise disturb the trial court's acquittal if it has "very substantial and compelling reasons" for doing so.*

*A number of instances arise in which the appellate court would have "very substantial and compelling reasons" to discard the trial court's decision. "Very substantial and compelling reasons" exist when:*

*i. The trial court's conclusion with regard to the facts is palpably wrong;*

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*ii. The trial court's decision was based on an erroneous view of law;*

*iii. The trial court's judgment is likely to result in "grave miscarriage of justice";*

*iv. The entire approach of the trial court in dealing with the evidence was patently illegal;*

*v. The trial court's judgment was manifestly unjust and unreasonable;*

*vi. The trial court has ignored the evidence or misread the material evidence or has ignored material documents like dying declarations/report of the ballistic expert, etc.*

*vii. This list is intended to be illustrative, not exhaustive.*

*2. The Appellate Court must always give proper weight and consideration to the findings of the trial court.*

*3. If two reasonable views can be reached - one that leads to acquittal, the other to conviction-the High Courts/ Appellate Courts must rule in favour of the accused."*

7. 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 judgment/order whereby trial Court has acquitted the private respondents. The same being speaking, well reasoned and based upon correct appreciation of facts, applicable law & judicial precedents, needs no interference. As a corollary, the leave to appeal in the present petition is declined, and therefore, petition stands dismissed.

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

**(KIRTI SINGH)**  
**JUDGE**

**15.07.2025**

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No