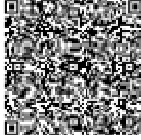


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**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

Sr. No.232**CRR-56-2018 (O&M)****Date of decision : 07.05.2025**

Jangir Kaur

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

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

Present: Mr. Ashok Kumar Sama, Advocate  
for the applicant-petitioner.

Mr. Durgesh Garg, AAG, Punjab.

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**KIRTI SINGH, J. (Oral)****CRM-42264-2018**

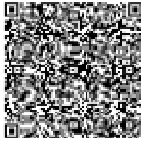
1. The instant application has been filed for recalling the order dated 30.10.2018 passed by this Court in the main case.

2. The application is allowed as prayed for. Order dated 30.10.2018 passed by this Court is recalled. The main case is restored to its original number and the same is taken on board today itself.

**CRR-56-2018 (O&M)**

3. The instant revision petition has been filed against the impugned judgement dated 22.12.2016 passed by the learned JMIC, Abohar in case FIR No.47 dated 04.07.2013, under Sections 498-A and 406 of IPC registered at Police Station Khuian Sarwar, whereby respondents No. 2 to 4, were acquitted from the charge under Section 406 IPC and respondent No. 4 was also acquitted from the charge under Section 498-A IPC while respondents No.2 & 3 were convicted under Section 498-A IPC. Challenge is also made to the judgement dated 12.10.2017 passed in appeal whereby

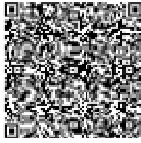
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sentence awarded to respondent No.2 was reduced to 01 year of rigorous imprisonment and respondent No. 3 was acquitted from the charge under Section 498-A IPC.

4. The facts in the case at hand are that the petitioner and respondent No.2 solemnised their marriage on 20.02.2009 and out of the wedlock, two daughters were born. Pursuant to a thorough enquiry, FIR No. 147 dated 04.07.2013 was got registered by the petitioner-complainant against respondent Nos.2 to 4 on the allegations that at the time of marriage, her parents gave sufficient dowry articles as per their capacity and *istridhan*, despite of which private respondents taunted and maltreated the petitioner on account of bringing less dowry articles and further demanded a motorcycle and cash. In October 2009, parents of the petitioner gave Rs.1 lakh to the private respondents for the sake of settling their daughter in her matrimonial home. In, 2012 when the petitioner was pregnant with her second daughter, she was given beatings by her husband (respondent No.2) and sister-in-law (respondent No.4) on account of refusing to undergo the foetus determination test, because of which she was admitted to the Civil Hospital, Abohar. Though the matter was later compromised in the presence of Panchayat and the petitioner was taken back to her matrimonial home, however, she was yet again maltreated, and her *istridhan* was snatched. On these allegations, the private respondents were put to trial. However, vide the impugned judgment of the learned trial Court dated 22.12.2016, the accused-respondent Nos.2 to 4 were acquitted of the charge under Section 406 IPC and respondent No. 4 was also acquitted from the charge under Section 498-A IPC, while simultaneously convicting respondent Nos.2 and

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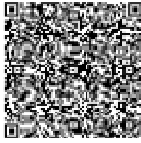


No.3, under Section 498A IPC and sentencing them to undergo two years of rigorous imprisonment along with a fine of ₹1,000 each. However, in an appeal against the said order, the sentence of respondent No.2 was reduced to 01 year of rigorous imprisonment while respondent No.3, was acquitted from the charge under Section 498- A IPC.

5. Learned counsel for the petitioner submits that respondent No.2 is the husband while respondent No.3 is the brother-in-law of the complainant and respondent No.4 is the sister-in-law(wife of Respondent No.3). It is submitted that the learned trial Court did not duly appreciate the evidence of witnesses who, in their testimonies supported the case of the prosecution and also overlooked the bills of household items and clothes as placed on record, and wrongly acquitted respondent No.2 to 4 from the charge under Section 406 IPC. Respondent No.4 was also wrongly acquitted from the charge under section 498-A IPC despite there being specific allegations against her of harassing and beating the complaint by citing lack of cogent evidence against her; and on similar lines of reasoning, the Appellate Court acquitted respondent No.3 from the same charge. Further yet, the Appellate Court has gravely erred in reducing the quantum of sentence awarded to respondent No.2 to one year on the basis of a compromise effected in a civil litigation between the parties. The impugned judgments by the Courts below have been passed without applying the judicial mind and are thus liable to be set aside.

6. *Per contra*, learned State counsel has submitted that respondent No.2 was convicted under section 498-A IPC to undergo two years of rigorous imprisonment along with a fine of ₹1,000/-, based on the evidence

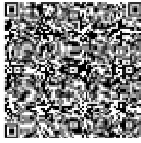
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presented against him, including the MLR of the complainant and the testimony of the Doctor in support of the same. However, the learned Appellate Court reduced the sentence to one year of imprisonment by taking a lenient view of the case, given the factum of compromise between the parties, albeit in a different case between the same parties. Further it is submitted that respondent No's 3 and 4 were also acquitted from charges under sections 406 and 498A IPC by giving the benefit of doubt.

7. After having heard the case and perused the record, it comes out that in the present case, with respect to the charge of section 406 IPC against the private respondents, it was observed by the learned trial Court that insofar as the gold articles alleged to have been exchanged at the time of marriage are concerned, no evidence was advanced to when and from where the said articles were acquired by the parents of the complainant. The testimonies of witnesses who deposed as PW-1 and PW-8 were qua purchases of utensils and clothes respectively, however, while PW-1 could not provide the original bills of the articles purportedly sold to the parents of the petitioner, PW-8 admitted that the bills did not contain the name of the purchaser and also and seal or signatures. It was held that other than the oral testimonies, nothing was produced before the Court that could establish the entrustment and the alleged misappropriation. Insofar as the charge under section 498-A qua respondent no.3 and his wife are concerned, it was the observation of the learned Courts below that the allegations leveled qua them were generic in nature and lacked details, and had been leveled to rope in respondent No's 3 and 4 in the trial being the family members of the husband of the complainant who live with them in a shared household. In the

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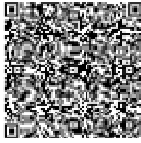


absence of any specific role being attributed to respondent No's 3 and 4 qua the harassment and also there being no evidence that pointed towards their complicity, other than the testimonies of their complainant, and that of her father and one Bhagwan Dass (PW-6) who reiterated her version. The testimonies of the official witness also did not contain any inculpatory statements that could form the basis of conviction of respondent No's 3 and 4, and thus they were acquitted from the charge of cruelty under 498-A. However, there being medical evidence of the beatings given to the complainant, being corroborated by the testimony of PW-12 Dr. Arun Jhamb, in addition to the testimonies of the prosecution witnesses qua the instances of cruelty meted out by him, the husband (respondent No.2) was sentenced to undergo two years of rigorous imprisonment along with a fine of ₹1,000, which was later lowered in appeal to one year, given the fact that he had been facing trial since 2013, and keeping in view his conduct whereby he had transferred land in the name of his daughters pursuant to a compromise arrived at in a civil case. in held show a compromise was effected between the petitioner and respondent No.2 in a civil case, as per which, respondent No.2 had transferred some of agricultural land in favour of his daughters.

8. Following the observations made in *Akalu Ahir v. Ramdeo Ram, (1973) 2 SCC 583*, the Hon'ble Supreme Court in *Thankappan Nadar & Ors. v. Gopala Krishnan & Anr. 2002(9) SCC 393*, laid down the aforesaid principles :

"6. In a revision application filed by the de facto complainant against the acquittal order, the Court's jurisdiction under Section 397 read with Section 401 Cr. P.C., 1973 is limited. The law on the subject is well settled. Instead of referring to various judgments, we would only refer to a

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few decisions rendered by this Court. In *Akalu Ahir v. Ramdeo Ram*, (1973) 2 SCC 583, this Court has (in SCC pp. 587-88, para 8) observed thus:

*"This Court, however, by way of illustration, indicating the following categories of cases which would justify the High Court in interfering with a finding of acquittal in revision :*

*(i) Where the trial court has no jurisdiction to try the case, but has still acquitted the accused;*

*(ii) Where the trial court has wrongly shut out evidence which the prosecution wished to produce;*

*(iii) Where the appellate court has wrongly held the evidence which was admitted by the trial court to be inadmissible;*

*(iv) Where the material evidence has been overlooked only (either) by the trial court or by the appellate court ; and*

*(v) Where the acquittal is based on the compounding of the offence which is invalid under the law.*

*These categories were, however, merely illustrative and it was clarified that other cases of similar nature can also be properly held to be of exceptional nature where the High Court can justifiably interfere with the order of acquittal ."*

*The Court further observed: (SCC p. 588, para 10)*

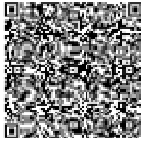
*"10. No doubt, the appraisal of evidence by the trial Judge in the case in hand is not perfect or free from flaw and a court of appeal may well have felt justified in disagreeing with its conclusion, but from this it does not follow that on revision by a private complainant, the High Court is entitled to reappraise the evidence for itself as if it is acting as a court of appeal and then order a retrial. It is unfortunate that a serious offence inspired by rivalry and jealousy in the matter of election to the office of village mukhia, should go unpunished. But that can scarcely be a valid ground for ignoring or for not strictly following the law as enunciated by this Court ."*

*(emphasis added)"*

9. Further the Hon'ble Apex Court in ***"Johar Vs. Mangal Prasad"*** held that the revisional jurisdiction of the High Court in terms of Section 397 read with Section 401 of the Code of Criminal Procedure is severally restricted, particularly when it arises from a judgment of *acquittal* .

10. 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 order whereby trial Court has acquitted the 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 present revision petition stands dismissed.

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

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

**07.05.2025**

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No