



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

213

CRM-A-2670-2019 (O&M)

Date of Decision: 12.09.2025

Anu

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Ankur Malik, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab

KIRTI SINGH, J. (Oral)

The instant application under Section 378(3) of Cr.P.C. has been filed for grant of leave to appeal for challenging the impugned judgment dated 05.08.2019, passed by the learned Judicial Magistrate First Class, Kharar, in case FIR No.4 dated 23.01.2015 under sections 406 and 498-A IPC, registered at Police Station Naya Gaon, District SAS Nagar Mohali wherein, the accused persons (respondents herein) were acquitted from the aforementioned charges.

2. Shorn of details, the facts of the case are that the marriage of complainant was solemnised with accused-respondent No.2 on 17.06.2012. A huge amount was spent on the same by her family, and many valuables, including, gold jewellery and household articles, were given to the accused. However, after some time of marriage, the private respondents, i.e., the husband and in-laws of the complainant harassed her for bringing insufficient dowry and started pressuring her to bring more dowry, and when she expressed her helplessness, all the accused assaulted and beat the



complainant, raising the demand of a motorcycle and cash. Despite having been warned by the police to treat the complainant properly, the complainant was subjected to harassment and assaulted by her husband. Upon these allegations, a complaint was moved by the applicant against her husband and in-laws. Challan was presented in the case and after conclusion of trial, learned Trial Court acquitted respondents No.2 to 4. Aggrieved by the acquittal of the respondents, the petitioner has filed the present appeal.

3. Learned counsel for the appellant submits that the learned trial court had wrongly acquitted respondents No.2 to 4. It is submitted that the applicant had given the detailed account of the cruelty suffered by her at the hands of the private respondents, and also of the instances where she had been ousted from her matrimonial home by her husband and in-laws. The ordeals stated by her in the complaint were also reiterated by her on oath, and the same were also corroborated in her testimony. Yet the learned Trial Court overlooked the same and acquitted the respondents No.2 to 4 resulting in travesty of justice.

4. Learned State counsel submits that the trial court proceeded to acquit the respondents citing lack of evidence against them and passed the impugned order of acquittal.

5. After having heard the case and perused the record, it comes out that during the trial, besides the complainant, other witnesses were also duly examined. However, upon finding lack of specific allegations against the respondents No.2 to 4 and in absence of any corroborative evidence, they were acquitted by the trial Court vide judgment dated 05.08.2019. It was alleged that the applicant was subjected to physical cruelty, but no medical evidence, though not *sine qua non*, was put forth. Further, no evidence in



support of the contention regarding the dowry articles purportedly given in the marriage, including bills of purchase, were presented by the applicant. All these facts when seen in circumspection rendered the testimonies of the complainant witnesses as non reliable so as to be made the sole basis for conviction of the respondent in the absence of any corroborative evidence whatsoever.

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;

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. In light of the aforesaid discussion, this Court is of the considered opinion that in the case at hand, there is no infirmity or irregularity in the impugned order whereby learned 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 leave to appeal is declined.

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

(KIRTI SINGH)
JUDGE

12.09.2025
Kapil

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No