



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

233

CRR-2403-2022 (O&M)

Date of Decision: 17.07.2025

Naresh Kumari

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Mohit Rathee, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

The instant revision petition has been filed for challenging the impugned judgment dated 06.08.2022, passed by the learned Additional Sessions Judge (Exclusive Court), Jhajjar, in appeal against judgment dated 03.09.2016 passed by the learned Additional Chief Judicial Magistrate, Jhajjar, whereby the accused persons were acquitted in case FIR No.183 dated 10.07.2013, under Sections 498-A, 406 and 506 IPC, registered at Police Station Beri, District Jhajjar.

2. Shorn of details, the facts of the case are that the marriage of petitioner/complainant was solemnised with accused-respondent No.2 on 09.02.2007 as per Hindu rites and ceremonies. A huge amount was spent on the same by her family and many valuables were given to the accused. However, after some time of marriage, the respondents, i.e., the husband and in-laws of the complainant started harassing her for bringing insufficient dowry and started pressuring her to bring more dowry. On 25.10.2007, the petitioner was subjected to physical cruelty. Similar was the case on 14.02.2008 when a car was demanded from the petitioner, and when she



expressed her helplessness, she was beaten with a stick (*danda*) and a demand of Rs.2 lacs was raised. It was thereupon that the petitioner was even turned out from matrimonial home, but was taken back as a result of the Panchayats convened in February, 2009 and July, 2009. However, the ordeals of the petitioner continued where she was beaten and turned out of the matrimonial house but thereafter taken back twice. A complaint was thereafter moved by the petitioner against her husband, parents-in-law and siblings of her husband, leading to the registration of the aforementioned FIR. Trial commenced, post which all the accused persons were acquitted by the learned Trial Court vide judgment dated 03.09.2016. Thereafter, an appeal was preferred by the petitioner herein which was also dismissed vide order dated 06.08.2022 passed by learned Additional Sessions Judge (Exclusive Court), Jhajjar. Aggrieved by the acquittal of the respondents, the petitioner has filed the present revision petition.

3. Learned counsel for the petitioner submits that the learned appellate court had erred in upholding the judgment passed by the learned Additional Chief Judicial Magistrate, Jhajjar, whereby all the accused were acquitted of the charges. It is submitted that the petitioner-complainant had given the detailed account of the cruelty suffered by her at the hands of respondents, and also of the numerous instances where she had been ousted from her matrimonial home by her husband. The sufferings underwent by her were stated in the complaint, and even reiterated by her on oath. The allegations against the respondents were also corroborated by the testimonies of PW-2, PW-3 and PW-4. Yet the learned Trial Court overlooked the same and acquitted the respondents, resulting in travesty of justice.

4. *Per contra*, learned State counsel has submitted that the Trial Court acquitted the respondents vide judgment dated 03.09.2016 by citing



the lack of evidence against the accused, which thereafter upheld by learned First Appellate Court vide impugned order dated 06.08.2022.

5. With respect to the jurisdiction of the Court to entertain the case registered at Jhajjar, Haryana, even when all the alleged acts of cruelty took place at the matrimonial home in Delhi, reliance was placed by the learned Appellate Court on the judgment of Hon'ble Supreme Court passed in **Rupali Devi Vs. State of Uttar Pradesh and others (Criminal Appeal No.71 of 2012)**, whereby it was held that “ 16...the courts at the place where the wife takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives, would, dependent on the factual situation, also have jurisdiction to entertain a complaint alleging commission of offences under Section 498A of the Indian Penal Code”. Qua the merits of the case, it comes out from the perusal of the case file that there were material improvements in the version as stated in the complaint vis-à-vis the deposition of the complainant as a witness. While in the complaint, only vague allegations were leveled against the private respondents, whereas in her deposition, the complainant chose to narrate quite a few incidents, *albeit* without any specific details. Furthermore, no independent witness was examined to corroborate the version of the complainant. Rather, all the prosecution witnesses i.e. PW-1 to PW-4 examined were the complainant herself and her family members/relatives. Moreso, no medical evidence, though not *sine qua non*, was advanced in support of the allegations leveled by the complainant. Pertaining to the mis-appropriation of the dowry articles, the complainant did not testify to the effect as to whom they had been entrusted with; or that the said articles were still in the possession of



the accused persons and they had refused to return the same. Similar was the case with respect to the offence under Section 506 IPC which could not be established, and neither did the complainant testify that she was ever intimidated. It was under these circumstances, given the lack of evidence against the accused persons, that they were acquitted by the learned Addl. Chief Judicial Magistrate, Jhajjar vide order dated 03.09.2016, which went on to be upheld in appeal by the learned Addl. Sessions Judge (Exclusive Court), Jhajjar vide judgment dated 06.08.2022.

6. 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 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)”

7. 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*.

8. Having perused the facts of the case as also the findings recorded by appellate Court, this Court is of the considered opinion that in the case in hand, there is no infirmity or irregularity in the impugned judgments. 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.

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

17.07.2025
Kapil

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No