



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

102

CRA-D-695-DBA-2004 (O&M)
Date of decision: August 22nd, 2025

State of Haryana

.....Appellant

Versus

Dinesh and others

.....Respondents

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

Present: Mr. Karan Sharma, Deputy Advocate General, Haryana,
for the appellant.

Ms. Monika Jalota, *Amicus Curiae* (through V.C.)
for the respondents.

MANJARI NEHRU KAUL, J.

The State of Haryana has preferred the present appeal assailing the judgment of acquittal dated 24.09.2003 passed by learned Additional Sessions Judge (*Ad hoc*), Hisar, whereby respondents Dinesh (husband), Santosh Kumari (mother-in-law), and Hitesh (brother-in-law)-were acquitted of the offences under Sections 307, 498-A and 323 read with Section 34 of the Indian Penal Code.

2. The gravamen of the prosecution case was that Mamta (PW-7), the complainant was subjected to persistent harassment on account of dowry and, on 25.04.2001, the respondents acting in concert, attempted to administer poison to her forcibly through a bottle of Campa Cola.

3. The FIR in the present case was registered on the basis of the statement of complainant Mamta (PW-7). She stated that on 25.04.2001 at about 2:00 pm, her cousin Rahul had brought some sweets to her matrimonial home. Her mother-in-law, Santosh Kumari, began quarrelling

with him, remarking that they were not beggars. Hearing this, the complainant started crying and went to her room. Shortly thereafter, her mother-in-law resumed taunting her and remarked that she needed to be given appropriate treatment. Mamta's mother-in-law Santosh Kumari then telephoned her younger son Hitesh (complainant's brother-in-law), who was at Rohtak with his wife at that time. She told Hitesh that (*maamla bahut garam hai*). Hitesh replied that he would return by 6:00 pm and added that Campa Cola was the appropriate thing to cool down the matter.

4. Santosh Kumari thereafter made a telephonic call to her brother Brij Bhushan Kaushik, who was serving as a SDM in Chandigarh, telling him that the complainant needed to be “treated properly”. Meanwhile, the complainant tried to contact her father, but her husband assaulted her. The complainant further alleged that while she was lying in her room and weeping, Dinesh, along with his mother Santosh Kumari, entered her bedroom and forcibly administered a bottle containing poison into her mouth.

5. The statement (Exhibit P4) of Mamta was recorded before the Duty Magistrate on 26.04.2001, whereupon a formal FIR (Exhibit P5) was registered by SI Ajit Singh (PW-12). Relevant extract of the statement (Exhibit P4) of complainant Mamta is as follows:

“Statement of Smt. Mamta w/o Shr. Dinesh Kumar, r/o Urban Estate-II, Hisar. on S.A.

Q. What had happened with you?

Ans. I was preparing meals in the noon time at about 2.00PM. FIR My brother had come to the house to give sweets of my cousin (Mausi’s son) and my mother-in-law

started quarrelling with him and remarked that they were not beggars. On hearing this I started weeping. I went to my room. After about 10 minutes my mother-in-law again called me and again started taunting me. After that she remarked that they would have to give the appropriate treatment to me. At that time the telephone of my dever Hitesh came from Rohtak, who had gone to Rohtak to get appear in some paper. My mother-in-law told him that the matter was very hot (MANLA BAHUT GARAM HAI), then Hitesh said that he would not reach Hisar before 6.00 PM and the campa cola is very good thing to cool down the mamla in the summer. Thereafter my mother-in-law made a telephonic call to her brother Brij Bhushan Kaushik, who is working as S.D.M. at Chandigarh and calling him Birju she told that now treatment should have to be made that she was fed up. Hearing all this, I being perplexed tried to contact my father on telephone, but Dinesh gave me a slap and dragged me to the bed room. Then both the mother and son came to my bed room, where I was lying and crying. They gave me one more slap and told that my mind was at a high temperature and by force they put bottle in my mouth. I do not know what was there in the bottle. On one occasion prior to this they had obtained my signatures on an affidavit and told me that if I did not sign the affidavit they would kill me by and by. Without the knowledge of my parents, at their back, giving me threats in the name of B.B. Kaushik, they obtained a riting from me that I have no complaint against my in-laws in respect of dowry etc. This whole occurrence took place yesterday.

Q. Who are the members residing in your house?

Ans. In-laws' house, my dever, devrani, husband and my mother-in-law and father-in-law are residing.

Q. Do you want to say anything more?

*Ans. I have been harassed in respect of Dahej (dowry).
RO&AC”*

6. The investigation revealed that accused Dinesh surrendered on 03.07.2001, leading to recovery of dowry articles vide memo Exhibit P-28. Accused Hitesh was arrested on 15.07.2001, while Santosh Kumari was arrested on 03.11.2001. The Investigating Officer also obtained a medical opinion (Exhibit P19) from Dr. N.C. Jindal on 13.07.2001.

7. Upon completion of investigation, the police filed the final report under Section 173 of the Cr.P.C. before the competent Court. The accused were charged under Sections 307, 498A, and 323 read with Section 34 of the IPC.

8. In support of its case, the prosecution examined 12 witnesses, including the complainant Mamta (PW-7), and Dr. Amit Mehta (PW-10). The material witnesses reiterated the allegations contained in the FIR. The incriminating evidence was thereafter put to the accused in their examination under Section 313 of the Cr.P.C., to which all the respondents denied their involvement and claimed false implication.

9. Accused Dinesh (husband of the complainant) stated that after the demise of his father, he was the only earning member of the family, and had to look after his widowed mother and younger brother, which his wife disliked. Accused Hitesh (brother-in-law of complainant) further claimed an alibi, stating that on the date of occurrence he had taken his wife to Rohtak for an examination. On the basis of the evidence presented before the trial Court, the trial Court rejected the case of the prosecution and acquitted all

the accused of the charges framed against them.

SUBMISSIONS ON BEHALF OF THE STATE-APPELLANT:

10. Learned counsel for the State assailed the impugned judgment on the ground that it suffers from material irregularities and misappreciation of evidence. It was argued that the learned trial court failed to appreciate that the complainant Mamta (PW-7) had fully supported the case of the prosecution. Her testimony categorically proved that on 25.04.2001, her husband Dinesh, mother-in-law Santosh Kumari, and brother-in-law Hitesh, acting in concert, attempted to forcibly administer a poisonous substance to her through a bottle of Campa Cola.

11. Learned counsel emphasized that the statement of Mamta was recorded promptly before the Duty Magistrate on 26.04.2001 at about 2:12 pm, lending it credibility. It was contended that her ocular testimony found full support from medical evidence, particularly the Medico Legal Report (Exhibit P10), and scientific evidence, including the report of the Chemical Examiner (Exhibit P20), which confirmed the presence of organophosphorus poison, thereby corroborating the allegations.

12. Learned State counsel thus contended that there was sufficient material on record to bring home the guilt of the accused, and the learned trial Court erred in discarding the case of the prosecution and acquitting the respondents.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS-ACCUSED:

13. *Per contra*, learned *amicus curiae* for the respondents supported the judgment of acquittal and submitted that the prosecution utterly failed to prove its case beyond reasonable doubt. It was pointed out that in the earlier statement of the complainant (Exhibit P4), there was not even a whisper of

any allegation of dowry demand. Attention was also drawn to the application dated 25.04.2001 (Exhibit P7), wherein respondent-Dinesh himself had informed the SHO, Model Town Police Post, Hisar, that his wife had suddenly consumed phenyl. He further accompanied his wife to the hospital for treatment. According to learned *amicus curiae*, this conduct clearly demonstrated *bona fides* on the part of Dinesh and was inconsistent with the allegations of the prosecution of forcible administration of poison.

14. Learned counsel also emphasized that had the complainant truly been forcibly administered organophosphorus, she would have shown reluctance or resistance because of its pungent and noxious nature. However, the Medico Legal Report (Exhibit P10) did not record any external injuries, marks, or abrasions around the mouth or face of the complainant, which would ordinarily have been expected in such circumstances.

15. It was also further submitted that the conduct of the complainant both prior to and during the marriage had been erratic and self-sabotaging in order to compel others to act as per her wishes. Reliance was placed on several letters (Exhibit D1 to D24) written by the complainant to respondent-Dinesh prior to their marriage, which reflected her over-sensitive temperament.

16. On these premises, learned *amicus curiae* contended that the trial Court rightly appreciated the evidence, and found the prosecution story unreliable, and acquitted the accused.

17. Having heard learned counsel for the parties, and on careful perusal of the material on record as well as the impugned judgment, we do not find any merit in the instant petition for the reasons to follow:

18. The case of the prosecution proceeds on the premise that

complainant Mamta was harassed for dowry. However, the letters (Exhibit D1 to D24), demonstrate that complainant Mamta and respondent Dinesh were in a long and intimate relationship prior to marriage. Their marriage was a culmination of this relationship rather than a transaction burdened with dowry expectations.

19. Complainant Mamta was fully aware of the previous marital dispute of respondent Dinesh and even urged him to hasten its resolution. This context militates against the suggestion that her matrimonial life was tainted from inception by dowry demands.

20. The solitary remark of respondent accused Santosh Kumari (mother-in-law of complainant)-“*we are not beggars*”-uttered when sweets were offered by the cousin of the complainant, cannot, by any stretch, be treated as evidence of dowry demand. Harassment in connection with dowry must be specific and demonstrable; here it is entirely absent.

21. The trial Court was correct in finding that the charge under Section 498A of the IPC was not made out.

22. Further, the case of the prosecution rests almost entirely on the testimony of Mamta, while her distress is undeniable, her account suffers from internal inconsistencies and improbabilities.

23. She claimed that her cousin Rahul was present at her house when she was assaulted by her mother-in-law and her husband and administered poison. Yet, Rahul neither intervened nor raised alarm, nor did he inform her parental family promptly. Such silence and inaction in the face of a grave assault are inconsistent with normal human behaviour.

24. Furthermore, if poison was forcibly poured into her mouth, some evidence of resistance-abrasions, scratches, or bruises around the

mouth or face-would have been expected. None were recorded in the medico legal examination. This omission significantly erodes the plausibility of her version. The Medico Legal Report (Exhibit P10) and the report of the Chemical Examiner (Exhibit P20) did detect organophosphorus. However, the clinical course of events is wholly inconsistent with ingestion of a toxic dose of such compound. Organophosphorus is highly lethal, even in small quantities. Yet, complainant Mamta survived without administration of antidote, and was stable enough to give a statement soon thereafter.

25. The incongruity raises the possibility of either minimal ingestion, voluntary consumption diluted by immediate medical aid, or even contamination of samples. The suggestion of the defense that samples might have been tampered with, though unproven, cannot be lightly brushed aside in view of the improbability of the clinical outcome.

26. The medical evidence, far from conclusively supporting the case of the prosecution, casts doubt on its theory of forcible administration.

27. Mamta was declared fit to make a statement at 6:30 pm on 25.04.2001. Yet her statement was recorded only at 2:12 pm the following day. This unexplained delay of nearly 20 hours is significant, particularly as her father was present at the hospital but did not approach the authorities.

28. Such lapse provided ample opportunity for reflection, consultation, and possible embellishment. The delay, therefore, weakens the reliability of the prosecution story.

29. Section 498A of the IPC contemplates two categories:

- (i) cruelty of such gravity as to drive a woman to suicide or cause grave injury, and
- (ii) harassment in connection with unlawful illegal dowry demand.

Neither is established in the present case.

30. The writings in the diary (Exhibit D25) of Mamta reflect her own introspection, acknowledging mistakes and emotional turmoil. Her pre-marital letters too reveal sensitivity and possessiveness. These writings suggest that the discord may have arisen from personal incompatibility rather than cruelty or dowry related harassment.

31. The explanation that Mamta, in a moment of emotional disturbance, consumed a household cleaner is not implausible. It is consistent with:

- absence of resistance injuries;
- immediate act of respondent Dinesh of rushing Mamta to hospital and informing police vide application (Exhibit P7);
- the improbability of forcible ingestion of a pungent poison without external signs; and
- the contradictions in the narrative of the prosecution.

32. This explanation, while not conclusively proved, is a reasonable alternative which the prosecution has not excluded. In criminal law, such doubt must enure to the benefit of the accused.

33. An Appellate Court should refrain from interfering with an order of acquittal unless the findings recorded by the trial Court are perverse or wholly unsustainable. In the present case, the reasoning of the learned trial Court is cogent, based on appreciation of evidence, and free from perversity. At best, the evidence raises suspicion; it does not establish guilt of the accused beyond reasonable doubt.

34. On an anxious and comprehensive evaluation, we are satisfied that the prosecution has failed to prove its case. The allegations of dowry-related cruelty are unsupported; the charge of forcible administration of poison is improbable and inconsistent with the medical evidence; and the defence version finds support in surrounding circumstances.

35. The learned trial Court's acquittal of the respondents-accused is well-reasoned and, therefore, does not warrant interference. Accordingly, the appeal filed by the State of Haryana stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

August 22nd, 2025
Puneet

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes