

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

**CRR No.2735 of 2014
Date of Decision: 31.01.2017**

Manju Aggarwal

.....Petitioner

Vs.

State of HP and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.P.S.Dhaliwal, Advocate for the petitioner.

Mr.Rishi Tandon, Advocate, for respondent No.1.

Mr.Dhiraj Chawla, Advocate, for respondent No.2 and 3.

RITU BAHRI, J. (ORAL)

The petitioner has come up in revision against the impugned order dated 07.05.2014 whereby, learned Additional Sessions Judge, Ludhiana, has dismissed the appeal against the judgment dated 30.01.2013, whereby, respondents No.2 and 3 had been convicted for the offence under Sections 323, 341 and 506 IPC and they have been acquitted under Section 498-A IPC.

The brief facts of the case are that the petitioner was married to Dharminder Jain on 06.02.1998 and an FIR No.209 dated 07.08.2006 for the offence under Section 498-A, 323, 506 IPC has been registered at P.S.Sadar, Solan, Himachal Pradesh, with the allegations of harassment, demand of dowry against the respondents No.2 and 3.

To prove its case, the prosecution examined PW-1 Dr.R.K.Behal, Medical Officer, R.H. Solan who opined that all the injuries were simple in nature and caused by blunt weapon. He issued MLR Ex.PW1/B and X-ray from Ex.PW1/C. He further opined that the injuries mentioned in MLR are by beatings.

The complainant had reiterated the version while she was appearing as PW-3 that complaint was lodged by her to the police and also added that her in-laws started harassing and beating her for bringing less

dowry. On the account of this reason injuries suffered by her and it can be considered for constituting the offence under Section 498-A IPC. The content of Section 498A IPC is running as under:

'cruelty by husband or relatives of husband' and includes section 498-A.

that whoever being the husband or relative of the husband of woman, subjects such woman to cruelty shall be punished with the imprisonment for a term which may extend to three years and also be liable to fine.

Explanation- For the purpose of this section, "cruelty" means-

(a) Any wilful conduct which is of such nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) Harassment of the woman where such harassment is with view to coercing her or any person related to her meet any unlawful demand for any person related to her to meet such demand.

In the present case, by giving beatings to the complainant by respondents No.2 and 3 and making unnecessary demands has attracted the offence of cruelty under Section 498A IPC. The trial Court as well as learned appellate Court had not considered the abovesaid fact while passing the judgments.

In view of the above, this revision is allowed and the matter is remanded back to the learned appellate Court for consideration of offence under Section 498 A IPC qua the respondents No.2 and 3.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

31.01.2017

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>