



2026:CGHC:16700



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 1077 of 2024

Smt. Saraswati Soni W/o Bhupesh Soni, Aged About 35 Years R/o Atul Niwas Ekta Nagar, Bijli Colony, Bhilai-3, District-Durg (C.G.) Permanent Address-Ward No. 6, Azad Chowk Kelhauri Road, Chachai, District-Anuppur (M.P.)

... **Appellant(s)**

versus

1 - State Of Chhattisgarh Through The District Collector, Durg, District-Durg (C.G.)

2 - Station House Officer, Police Station- Old Bhilai-3, District-Durg (C.G.)

3 - Bhupesh Kumar Soni, Aged About 44 Years, R/o Ekta Nagar, Bijli Colony, Bhilai-3, District-Durg (C.G.)

... **Respondent(s)**

For Appellant(s) : Mr. Pranoti Das, holding the brief of Mr. Goutam Khetrapal

For Respondents No.1 : Ms. Ritika Verma, Panel Lawyer.
and 2/State

For Respondent No.3 : Mr. Rishabh Gupta and Mr. Aditya Dhar
Diwan, Advocates.

**Hon'ble Shri Ramesh Sinha, Chief Justice****Judgment on Board****10/04/2026**

1. The present acquittal appeal is filed by the complainant/wife against the impugned judgment of acquittal dated 25.05.2024 passed by learned Additional Sessions Judge, Durg (C.G.) in Criminal Appeal No.198/2023, whereby learned trial Court has acquitted the accused / respondent No.3 from the charge under Section 498A, 323 of the Indian Penal Code (for short 'IPC').
2. Prosecution story, in brief, is that the marriage of the complainant, Saraswati Soni, was solemnized with the accused, Bhupesh Kumar Soni, on 17.06.2012 at Village Amiliha Chachai, District Anuppur, in accordance with *Hindu* rites and customs. After the marriage, the complainant started residing in her matrimonial house at Bhilai-3 (Ekta Nagar) along with her husband and his family members. It is alleged that after a few days of the marriage, the accused husband along with his family members, mother-in-law, father-in-law, sister-in-law, and brother-in-law (husband of the sister-in-law), began demanding dowry from the complainant. The demand allegedly included a car, gold ornaments, and silver articles. On account of non-fulfilment of the said unlawful demands, all the accused persons subjected the complainant to mental and physical cruelty, harassing her on a regular basis. The prosecution further alleges that the situation aggravated on 03.02.2016, when all the accused persons, in furtherance of their



common intention, physically assaulted the complainant and thereafter forcibly ousted her from her matrimonial home. As a result of the said incident, the complainant was compelled to leave her matrimonial house and take shelter at her parental home situated at Chachai, District Anuppur. Subsequently, on 08.02.2016, the complainant lodged a written complaint at Police Station Chachai narrating the incidents of cruelty, harassment, and assault. On the basis of the said complaint, a case was initially registered as Crime No. 0/16 at Police Station Chachai, and thereafter, considering the place of occurrence, the matter was transferred to Police Station Old Bhilai for further investigation. Upon transfer, Crime No. 82/2016 was registered at Police Station Old Bhilai against the accused persons for the offences punishable under Sections 498-A and 323 read with Section 34 of the Indian Penal Code. During the course of investigation, statements of the complainant and other witnesses were recorded, and after completion of investigation, a charge-sheet was filed before the competent Court against the accused, Bhupesh Kumar Soni, along with his family members, for trial in accordance with law.

3. After appreciation of the evidence adduced by the prosecution and upon hearing the arguments advanced by the defence counsel, the learned trial Court vide judgment and order dated 27.07.2023 partly allowed the case of the prosecution and acquitted the co-accused persons, namely Omprakash Soni, Smt.



Mithila Soni, Smt. Anuradha Soni, and Ashok Kumar Soni, by extending them the benefit of doubt, holding that the charges under Sections 498-A and 323 read with Section 34 IPC were not proved against them. However, the learned trial Court found that the prosecution had successfully proved the offences under Sections 498-A and 323 IPC against the accused, Bhupesh Kumar Soni. Accordingly, he was convicted and sentenced to undergo simple imprisonment for a period of 06 months along with a fine of Rs. 500/- for the offence under Section 498-A IPC, and further sentenced to undergo simple imprisonment for a period of 02 months along with a fine of Rs. 200/- for the offence under Section 323 IPC. In default of payment of fine, he was directed to undergo additional imprisonment as prescribed. Both the sentences were directed to run concurrently.

4. Being aggrieved by the same, the accused/husband, Bhupesh Kumar Soni, preferred Criminal Appeal No. 198/2023 before the Court of the learned Additional Sessions Judge, Durg (C.G.), which was allowed by the learned Appellate Court and the accused/husband was acquitted of the charges under Sections 498-A and 323 of the IPC.
5. Being aggrieved by the aforesaid judgment of acquittal, the complainant/wife has preferred the present appeal.
6. Learned counsel for the appellant submits that the impugned judgment dated 25.05.2024 passed by the learned appellate Court is bad in law, perverse, illegal, and contrary to the facts and



circumstances of the case, and is therefore liable to be set-aside.

The learned appellate Court has committed a grave error in law by reversing the well-reasoned judgment of conviction passed by the learned trial Court without proper appreciation of the material available on record. He further submits that the learned appellate Court failed to appreciate that the respondent No.3/accused had subjected the appellant to continuous cruelty, abuse, and physical assault on account of demand of dowry. The prosecution had placed sufficient and cogent evidence on record to establish the offences under Sections 498-A and 323 IPC, however, the same has been erroneously ignored. The findings recorded by the appellate Court are thus contrary to the evidence available on record. He also submits that the learned appellate Court failed to consider that the appellant and other prosecution witnesses have fully supported the prosecution case and their testimonies are reliable, consistent, and corroborative in nature. Despite the availability of such trustworthy evidence, the appellate Court committed a serious error in acquitting the respondent No. 3 by not appreciating the evidence in its proper perspective, thereby rendering the impugned judgment unsustainable in law.

7. Per contra, learned counsel appearing for the respondent No.3 has supported the impugned judgment of acquittal and submitted that the learned appellate Court, upon a proper appreciation of the evidence on record, has rightly acquitted the accused–respondent



No.3, and the said well-reasoned judgment does not call for any interference by this Court.

8. I have heard learned counsel for the parties and perused the records of the trial Court.
9. While considering the scope of interference in an appeal against acquittal, the Hon'ble Supreme Court in the case of **"State of Rajasthan Vs. Kistoora Ram"** reported in **2022 SCC OnLine SC 984**, has held as follows:-

"8. The scope of interference in an appeal against acquittal is very limited. Unless it is found that the view taken by the Court is impossible or perverse, it is not permissible to interfere with the finding of acquittal. Equally if two views are possible, it is not permissible to set aside an order of acquittal, merely because the Appellate Court finds the way of conviction to be more probable. The interference would be warranted only if the view taken is not possible at all."

10. In the present case, the first and foundational aspect requiring determination is whether the view taken by the learned First appellate Court in acquitting the respondent/accused is so perverse, arbitrary or wholly unreasonable that it warrants interference by this Court in exercise of its appellate jurisdiction against acquittal.
11. Upon a careful re-appreciation of the entire evidence available on record, this Court finds that the learned appellate Court has



undertaken a detailed and threadbare analysis of the testimony of the complainant (PW-1) and other prosecution witnesses, namely her brother (PW-4), father (PW-5), mother (PW-6) and other supporting witnesses. The appellate Court has recorded specific findings that there are material contradictions, omissions and improvements in their statements when compared with their earlier statements recorded under Section 161 Cr.P.C.. It is evident from the record that several allegations which were deposed before the Court during trial, particularly regarding demand of dowry articles such as scooty, bus fare, coat expenses, payment of Rs.50,000/- and other acts of cruelty, do not find place in the FIR or in the police statements. The Investigating Officer (PW-8) has categorically admitted these omissions. Such material improvements go to the root of the prosecution case and render the testimony of the witnesses unreliable.

12. Further, the evidence of the complainant herself discloses significant inconsistencies. While in her examination-in-chief she made detailed allegations of persistent cruelty and harassment, but in her cross-examination she admitted that, no complaint was made for a considerable period despite alleged continuous harassment, at the time of marriage, no demand of dowry was made, certain accused persons were not present at the place of occurrence on the date of the alleged incident, multiple



compromises had taken place between the parties, and they had even resumed cohabitation thereafter. These admissions substantially weaken the prosecution case.

13. The delay in lodging the FIR is also a relevant factor. The alleged incident took place on 03.02.2016, whereas the FIR was registered on 19.02.2016. The explanation for such delay is neither satisfactory nor convincingly established. Moreover, the medical evidence (MLC) was obtained after a delay, and the doctor (PW-7) has opined that the injuries were simple in nature and could also be self-inflicted. This further creates doubt regarding the prosecution version. It is also borne out from the record that the parties had entered into a compromise on 23.06.2018 before the competent Court at Anuppur, wherein both the complainant and the accused agreed to settle their disputes and withdraw pending criminal cases. The complainant herself made statements indicating willingness to reside with her husband and to put an end to litigation. Though such compromise does not ipso facto wipe out criminal liability, it is a relevant circumstance for assessing the overall credibility of allegations and the nature of matrimonial discord between the parties.
14. The learned appellate Court has further rightly observed that the evidence on record indicates strained matrimonial relations between the husband and wife; however, mere existence of discord or incompatibility cannot be equated with cruelty within the



meaning of Section 498-A IPC unless it is specifically established that such conduct was in connection with unlawful demand of dowry. Hence, the prosecution has failed to establish beyond reasonable doubt that the alleged acts of harassment and assault were directly linked to demand of dowry. On the contrary, the evidence suggests exaggeration, embellishment and contradictions, thereby creating a reasonable doubt in favour of the accused.

15. It is a settled principle of criminal jurisprudence that where two views are possible on the basis of evidence on record, the view favourable to the accused must be adopted. The presumption of innocence is further strengthened by an order of acquittal, and unless the findings recorded by the appellate Court are perverse or wholly unsustainable, interference is not warranted.
16. In the considered opinion of this Court, the view taken by the learned First Appellate Court is a plausible and reasonable view based on proper appreciation of evidence. It cannot be said that the findings are perverse, illegal or contrary to the material on record so as to warrant interference by this Court.
17. Consequently, this Court finds no merit in the present acquittal appeal. The impugned judgment of acquittal dated 25.05.2024 passed by the learned Additional Sessions Judge, Durg (C.G.) does not suffer from any illegality or perversity.



18. Accordingly, the acquittal appeal being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil