

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

CRM-M-12530 of 2015
Date of decision: 22.09.2015

Jasbir Singh Rathi & others ...Petitioners

Versus

Monika & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sanjay Vashisth, Advocate for the petitioners.

Rajan Gupta, J.

This is a petition under Section 482 Cr.P.C. seeking quashing of order dated 2.12.2014, passed by Judicial Magistrate 1st Class, Gurgaon as well as order dated 28.5.2013, passed by Sessions Judge, Gurgaon, whereby application filed by the petitioners under section 468 (i) (b) of Cr.P.C. has been dismissed.

Learned counsel for the petitioners has vehemently contended that proceedings were initiated against them after expiry of limitation. The orders, thus, deserve to be quashed.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

Complainant preferred a complaint against the petitioners under Protection of Women from Domestic Violence Act, 2005. She levelled various allegations. At the time of solemnization of her marriage, Rs.25.00 lacs were spent by her parents and relatives. Immediately thereafter, she was subjected to harassment for bringing less dowry. She

was asked to bring a necklace and 5 Tolas of gold. She conveyed the demand to her father, who arranged a diamond set and necklace and promised to make arrangement for Swift car. However, when complainant became pregnant, she was not provided any food and was thrown out of her matrimonial home in March, 2011. Since then she has been living with her parents. A male child was born on 3.12.2011. Other similar allegations were made by the complainant. During pendency of complaint instant application was moved by the petitioners for dismissal of complaint being beyond limitation. Same was rejected by Judicial Magistrate 1st Class, Gurgaon. Petitioners unsuccessfully challenged the order before the appellate authority. Aggrieved, present revision has been filed.

I find no merit in plea of the counsel for the petitioners that complaint is beyond limitation. Section 468 Cr.P.C. would not be attracted in case a complaint is filed under section 17 of the Act. Judgment of the apex court reported as *Sanapareddy Maheedhar Seshagiri & anr. vs. State of Andhra Pradesh & anr., (2009) 1 Supreme Court Cases (Cri) 170* is also relevant. Petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

22.09.2015
'Rajpal'