

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-14521 of 2015

Date of Decision: August 31, 2015

Sonia

.....Petitioner

Vs.

Indu

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-. -

Present:- Mr. Sushil Bhardwaj, Advocate
for the petitioner.

-. -

M.M.S. BEDI, J. (ORAL)

After having been summoned in proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005, for short 'the Act', the petitioner has approached this Court for challenging the order on the ground that she has got no relation with the complainant or her husband. She being not related to the complainant in any manner, the proceedings under Section 12 of the Act are abuse of the process of the Court.

A perusal of the file indicates that the petitioner is aggrieved by the order dated September 18, 2013 by virtue of which notice has just been issued to the respondent for the date fixed.

I have considered the facts and circumstances of this case and I am of the opinion that in case the petitioner does not have any relationship with the aggrieved person, it is always open to her to file a reply before the Court concerned and seek the dropping of her name on the grounds taken up in this petition. It is pertinent to observe here that it is not necessary for the petitioner to appear in person before the trial Court or to furnish any bail bonds. The proceedings can be contested by the petitioner through an Advocate by authorizing him to appear before the Court concerned without the requirement of personal appearance. The summoning order dated September 18, 2013 cannot be considered to the summoning order comparable with the summoning order passed in a private complaint. In case the application for dropping the name of the petitioner is dismissed, it is always open to the petitioner to file an appeal under Section 29 of the Act.

In view of the above circumstances, I do not find any ground to exercise jurisdiction under Section 482 Cr.P.C. It will be open to the petitioner to move an application before the Court of Judicial Magistrate, Karnal. In case any such application is filed through counsel, the trial Court shall decide the said application within a period of two months after the filing of the said application.

Disposed of with liberty to raise all the pleas taken up in this
petition before the said Court.

August 31, 2015
sanjay

(M.M.S.BEDI)
JUDGE