

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

1. CRM-M No.24889 of 2011
Date of Decision :28.08.2015

Parminder Kaur and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

2. CRM-M No.25769 of 2011

Amarjit Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether reporters of local newspaper may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the digest?

FATEH DEEP SINGH, J.

These two petitions under Section 482 Cr.P.C. seeking quashing of complaint No.20 dated 1st June, 2011 under Sections 12, 17, 18, 19, 20, 22, 23 of the Protection of Women from Domestic Violence Act, 2005 (in short the Act) being pertaining to the same very complaint though the petitions by different set of petitioners, on account of consanguinity of fact and law points involved, are being disposed off together.

The brief background of this lis is that a marriage between Inderpal Pal Singh son of Attar Singh and complainant Navdeep Kaur took place in the year 2002. The couple developed differences leading to matrimonial dispute claims and counter-claims against each other. The wife filed the instant complaint against her husband and in-laws including petitioners Amarjit Kaur, Parminder Kaur, the sister of the husband and Harwinder Singh who happens to be the husband of Parminder Kaur, leading to initiation of the proceedings against which the present process has sought to be staked.

Heard Mr. H.P.S. Bhinder, Advocate, Mr. C.S. Brar, DAG, Punjab for the State-respondent No.1 and Mr. Gaurav Bhaiyya, Advocate for respondent No.2 and perused the records.

The counsel for the petitioners has laid a dual attack contending firstly, that the provisions of the Act do not entail filing of complaint against a woman and that too who happens to be a sister-in-law arguing that petitioner-Parminder Kaur and her husband Harvinder Singh were married much prior to the marriage between the present complainant and her husband and, thus, there was no grouse against them as they were living separately and secondly, that the father-in-law had earlier filed a complaint against the daughter-in-law and the present complaint in which process has been issued against the petitioners is a counter-blast to the same. On behalf of respondent-State, the same is sought to be confronted with much elance by Mr. C.S. Brar, AAG on the

ground that these arguments so advanced were not only contrary to the spirit of the provisions of law but on matters of evidence and the process cannot be allowed to be circumvented at this juncture by the use of Section 482 Cr.P.C.

Appreciating the submissions of the two sides, it is well acknowledged that domestic violence which is undoubtedly is a serious Human Rights issue and has been specially enacted as a serious deterrent to put an end to the very phenomenon of domestic violence which is widely prevalent especially in the developing countries like ours. It has often been seen that a woman may be a wife, a sister, a mother or a partner whatever be the relation may be subjected to cruelty by her husband, partner or is near relations within four-walls of the house in privacy away from the gaze of the other residents of the area and, thus, by the exercise of powers and rights granted under Articles 14, 15 and 21 of the Constitution of India, a remedy has been provided by way of present Act, which is purely intended to protect a woman from being victims of domestic violence and thus to put an end to the same in the society at large.

The argument that has sought to be raised by the learned counsel for the petitioner that it is not applicable against a woman is wholly flacious and untenable, the Act in its definition of "**respondent**" given by way of Section 2 (q) which is enumerated below :-

"respondent" means any adult male person who is, or has

*been, in a domestic relationship with the aggrieved person
and against whom the aggrieved person has sought any
relief under this Act:*

*Provided that an aggrieved wife or female living in a
relationship in the nature of a marriage may also file a
complaint against a relative of the husband or the male
partner."*

Thus, from this definition it is explicitly clear that the term
“**Respondent**” includes the term even a "**Female Relative**", it has been
rightly stressed on behalf of the respondent that the Legislature never
intended to exclude female relatives of the husband or the male partner
from the ambit of a complaint made under the provisions of the Act. In a
pronouncement reported in **2011 (3) SCC 650** in the case of "**Sandhya
Manoj Wankhade Vs. Manoj Bhim Rao Wankhade**" has made it
amply clear as to this very question that has sought to be unsuccessfully
raised on behalf of the petitioners.

The fact that husband's sister and her husband and his aged
mother petitioner-Amarjit Kaur's culpability is a question of fact which
can be duly appreciated only factually along with whether complaint of
the complainant is a counter-blast to the criminal complaint lodged by
the father-in-law-Attar Singh and it would not be out of question to
remark here that by such usage of expression of counter blast the
petitioners cannot be allowed to thwart exercise of the rights by the

distressed wife nor her legitimate Human Rights can be put to hold.

The provisions of Section 482 Cr.P.C. are to be used rarely only where it is necessitated to prevent miscarriage of justice or abuse of process of the Court only in exceptional cases and that none of the eventualities arise in favour of the petitioners necessitating this Court to show indulgence.

The petitions are without merits and thus are outrightly dismissed.

**(FATEH DEEP SINGH)
JUDGE**

AUGUST 28, 2015
Dpr