

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-32708 of 2015 (O&M)
Date of decision: October 14, 2015

Harpreet Singh

...Petitioner

Versus

Rupinder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jonny Goyal, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of complaint No.104 dated 22.10.2012 under Sections 12, 17, 18, 19, 20, 21, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 along with summoning order dated 22.10.2012 and all subsequent proceedings arising out of the complaint.

At the time of arguments, learned counsel for the petitioner argued that the petitioner has already filed the divorce petition against respondent Rupinder Kaur and the complaint filed by Rupinder Kaur under Sections 12 etc. of the Protection of Women from Domestic Violence Act is nothing but a counter blast to the divorce petition filed by the petitioner. He further argued that if notice of motion is issued, then there are also chances of compromise.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the present petitioner is husband of Rupinder Kaur and complaint under Sections 12 etc. of the Domestic Violence Act has been filed by respondent against the petitioner. Nothing has been argued as to how the filing of the complaint by the respondent amounts to miscarriage of justice or abuse of process of the law. If the present petitioner has filed the divorce petition, in no way, it can be held that, after that, complaint under Domestic Violence Act is false.

The fact, whether this complaint is a counter blast or not, is to be determined by the trial Court on the basis of the evidence. At this stage, on this ground, the summoning order cannot be quashed. The petitioner is at liberty to apply before the trial Court for deciding the case in Permanent Lok Adalat or in Mediation Centre etc.

Therefore, finding no merit in the present petition, the same is dismissed.

October 14, 2015
Vgulati

(INDERJIT SINGH)
JUDGE