

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CRM-M-41324-2013

Date of Decision: 19.01.2015

Rajinder Singh and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Avtar Singh Bhatti, Advocate,
for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab,
for respondent No. 1-State.

Mr. Ramandeep Singh, Advocate,
for respondent No. 2.

KULDIP SINGH, J. (ORAL)

The grouse of the learned counsel for the petitioners is that the complaint was filed against the petitioners under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The interim order dated 25.03.2013, passed by the Court of Judicial Magistrate Ist Class, Ludhiana, is reproduced as under:-

“Present:- Counsel for the complainant.

*Complaint under Section 12 of the
Protection of Women from Domestic Violence Act, 2005
presented today. It be registered. Now to come up on
26.03.2013 CWs. Dasti summons be taken, if desired.
Report of CDPO be called for the date fixed.”*

It has been argued that inadvertently in place of summoning the CWs, the summons were issued to the respondents. Accordingly, respondents No. 2 and 3 appeared before the trial Court on 26.03.2013 and the Court passed the following order:-

“Present:- Counsel for the complainant

*Sh. Ramandeep Lakhanpal Advocate filed
memo of appearance on behalf of accused Nos. 2 and 3.
Now to come up on 30.03.2013 for filing the regular
power of attorney and service of remaining accused.
Report of CDPO be also called for the date fixed.”*

Thereafter, the trial Court passed the various orders, in which the remaining accused-respondents were summoned. It is stated that this is the violation of the procedure laid down under the Protection of Women From Domestic Violence Act, 2005.

In view of the admitted position, the summons which were issued to the respondents are set aside and the trial Court is directed to proceed further from the stage of the order dated 25.03.2013 and if satisfied, then issue summons to the respondents. However, the complainant can always make any prayer before the trial Court to seek any protection.

Petition is accordingly, disposed of.

(KULDIP SINGH)
JUDGE

January 19, 2015
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