

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29566 of 2016
Date of Decision: 30.08.2016

Pamila

.....Petitioner

Vs.

Prem Kumar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sandeep Singh Ghangas, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside the order dated 21.07.2016 (Annexure P-1) passed by the JMIC, Panipat, whereby the application filed by the petitioner under Section 311 Cr.P.C. in a complaint case No.31 of 2015 under Section 12 of the Protection of Women From Domestic Violence Act, 2005 has been dismissed.

Notice of motion.

Mr.Ashit Malik, Advocate, has appeared on behalf of respondents No.1 to 6. Power of attorney filed by him is taken on record.

Petitioner had filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, whereby, it was alleged by her that respondents are harassing and torture her for bringing less dowry. However, affidavit of petitioner (Annexure P-3) shows the details of business and property of respondent No.1 and fact of cruelty and domestic violence was not stated in it. The evidence of the petitioner was

completed on 09.07.2015 and the present application for recalling was made

on 28.01.2016. As per order dated 21.07.2016, the petitioner examined 16 witnesses to prove the allegations of cruelty against the respondent.

At this stage, learned counsel for the respondents states that case is fixed for final arguments on 12.09.2016 and cross examination of the petitioner at this stage is not necessary.

It is not disputed that allegation of domestic violence has been made against the respondents under Section 12 of Protection of Women from Domestic Violence Act, 2005 and other witnesses of the persecution have also reiterated the same allegations in the examination-in-chief as well as in cross-examination.

The dispute has been raised on account of harassment caused to the petitioner by the respondents. The petitioner being a lady and one effective opportunity should have been granted to her by the court below. As such, the order dated 21.07.2016 is set aside and one effective opportunity is being granted to the petitioner to appear before the trial Court for examination by way of additional evidence on 12.09.2016 subject to payment of costs of Rs.5000/- with District Legal Services Authority, Panipat.

(RITU BAHRI)
JUDGE

30.08.2016
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