

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

**Crl. Misc. No. M-28961 of 2014
Date of decision : 23.11.2016**

Ramanjit Kaur & Ors.

... Petitioners

versus

Navneet Kaur

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. G.S. Brar, Advocate
for the petitioners.

Mr. H.K. Arora, Advocate
for the respondent.

ANITA CHAUDHRY , J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing the complaint filed by the respondent under the Domestic Violence Act.

Petitioner No.1 is the married sister-in-law, petitioner No.2 is the paternal uncle, petitioners No.3 and 4 are the grandparents of the husband. The plea taken is that they were not in any domestic relationship and were living separately from the couple and the complaint against them should be quashed. It was pleaded that the complaints were given by the respondent and number of inquiries were held but no action was taken but on successive complaints, the police registered the FIR only against the husband in November 2012 and the trial was on. It was averred that complaint had been filed to pressurize the husband and there was no incident of domestic violence. It was pleaded that the complainant was detected with blood cancer and was admitted in the hospital in October 2011 and she was taking treatment in Dayanand Medical College and Hospital, Ludhiana and the husband had taken an insurance cover for

his family and was meeting the expenses and the respondent did not want to join the husband and started making complaints against the entire family.

The petitioners are aggrieved by the summoning order dated 03.12.2012 Annexure P-6 wherein all the respondents had been called.

I have heard the submissions made on behalf of the petitioners and the respondent.

Counsel for the petitioners has referred to the ration card and election I-card to show that all the petitioners were living either at Mohali or Kapurthala and they were not in any domestic relationship and had wrongly been summoned. It was urged that the trial Magistrate had issued notice to them in routine without examining the facts. Referring to the complaint, the submission was that there were general allegations that taunts were thrown for bringing inferior quality of furniture. It was urged that the grievance appears in the report made by the Protection Officer which shows that the parents did not want the daughter to live with the family and they wanted their son-in-law to stay separately which is indicated in one of the reports. It was urged that the respondent had developed blood cancer and she was hospitalized in October 2011 and the husband had taken a loan and was meeting the expenses. It was urged that the complaint had been filed in 2012 whereas petitioner No.1 had got married in 2009 and was living separately with her family and no relief has been claimed against any of the petitioner.

The submission on the other hand was that the sister-in-law had got married in 2009 and before that she was living in the same house and even the grand-parents were living in the same house and it is a

matter of evidence which the trial Court would examine after the parties would lead their evidence. It was urged that there are allegations in the complaint that the taunts had started immediately after marriage and that the accused used to confine her in the room.

It is not disputed that the sister-in-law was married in 2009 and is living in her matrimonial home. The husband is living in Amritsar. The grand-parents and the paternal uncle are residents of Kapurthala as is evident from the ration card and election I-card which are documents issued by the Government agencies.

The petition has been filed seeking residence order, maintenance, monetary relief and compensation. Additionally a restraint order on the respondent was sought for seeking the articles which were lying in the house in Amritsar and prohibiting them from harassing her physically and mentally.

Monetary compensation or maintenance can be claimed only from the husband and not from the petitioners. Going through the framework of the Act and the rules it is apparent that the respondent has a remedy to seek adjudication and claim an order under Sections 18, 19, 20 and 22 against the husband. The complaint is silent with respect to any incident specific to the petitioners.

The complainant has arrayed the other relatives as the relationship between the couple is strained. The complaint does not refer

to any domestic incident, therefore, the complaint as well as the subsequent proceedings qua the petitioners are quashed.

Petition is allowed.

November 23, 2016

M. Negi

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No