

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

CRM-M-32200-2014

Date of decision: 02.08.2016

Darshan Singh and others

...Petitioners

Versus

Parminder Kaur

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Arora, Advocate,
for the petitioners.

Mr. M.S. Dhami, Advocate,
for the respondent.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C is for quashing of the Criminal Complaint No.88/2014, instituted on 04.07.2014, titled as **Parminder Kaur Vs. Jaswinder Singh and others,** under Section 12 read with Sections 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-1) and summoning order dated 04.07.2014.

Parminder Kaur, respondent-complainant has filed the aforesaid complaint against her husband-Jawinder Singh and others alleging that she was married to Jaswinder Singh on 02.10.2011 as per Sikh rites and out of this wedlock, one male child namely Satwinder Singh was born on 02.07.2012. Soon after the marriage, she was harassed and humiliated by the accused persons on the pretext of bringing insufficient dowry. She was also

given beatings by her husband-Jaswinder Singh and other accused. Petitioner No.1-Darshan Singh is her father-in-law, petitioner No.2-Paramjit Kaur is mother-in-law, petitioner No.3-Pardeep Singh is brother-in-law and petitioner No.4-Baljit Kaur is wife of petitioner No.3.

Learned counsel for the petitioners has referred to the ration card (Annexure P-3) to contend that the complainant along with her husband and son, was residing separately from the petitioners and she was maintaining a separate kitchen. Hence, the petitioners have no role to play in her matrimonial life. Moreover, a compromise was entered into between the families on 23.11.2013 and 05.01.2014 (Annexures P-4 and P-5 respectively), wherein it was mutually agreed that son of petitioner No.1-Darshan Singh i.e. Jaswinder Singh and his wife Parminder Kaur (respondent No.2) will live in separate portion of the house. Further, as per agreement (Annexure P-5), Jaswinder Singh had agreed to take his wife on 05.01.2014. Learned counsel for the petitioners further contended that after effecting compromise dated 05.01.2014 (Annexure P-5), the complaint against the present petitioners is not made out as they were not staying jointly with Jaswinder Singh and Parminder Kaur-respondent No.2.

Upon notice, reply on behalf of complainant-respondent No.2 has been filed, wherein it has been stated that pursuant to the compromise dated 05.01.2014 (Annexure P-5), she had been provided accommodation in cattle shed without any facility of day to day amenities. She was subsequently, given beatings and abused by the accused-petitioners. Ration card (Annexure P-3) is in the name of Pardeep Singh-petitioner No.3 and his family. The complainant cannot be compelled to life in inhuman atmosphere.

Learned counsel for the respondent has argued that petitioner No.1 being the *karta* of joint family had a moral duty to provide separate residence to the complainant when his son was harassing her.

After going through the contents of the petition and reply filed by the respondent, it is no longer in dispute that as per ration card (Annexure P-3), petitioner Nos. 3 and 4 are having separate portion of their residence in the same house. The complaint against them after effecting compromise dated 23.11.2013 and 05.01.2014 (Annexures P-4 and P-5) is not maintainable. Moreover, except general allegations, no specific allegation has been levelled against them. After the aforesaid compromise, the matter could be restricted to inter personal dispute between Jaswinder Singh and Parminder Kaur.

In view of the above, Criminal Complaint No.88/2014, instituted on 04.07.2014, titled as **Parminder Kaur Vs. Jaswinder Singh and others**, (Annexure P-1) along with summoning order dated 04.07.2014 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Hoshiarpur, is set aside with all consequential proceedings arising therefrom qua petitioner Nos. 3 and 4.

Allowed accordingly.

02.08.2016
ajp

(RITU BAHRI)
JUDGE

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