

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

**CRM-M No. 37596 of 2013 (O&M)  
Date of decision: 19.10.2016**

**Jagbir Singh**

**...Petitioner**

**Vs.**

**Sona**

**...Respondent**

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Sumit Sangwan, Advocate  
for the petitioner.

Mr. G. S. Gandhi, Advocate  
for the respondent.

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**JAISHREE THAKUR, J. (Oral)**

The instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 29.10.2013 (Annexure P-1) and order dated 19.03.2013 (Annexure P-2) by which the respondent has been granted residential rights in the self acquired property of the petitioner, the father-in-law of the complainant.

It is contended that the son of the petitioner got married with respondent on 27.05.2010 and on account of various differences that arose, FIR No. 20 dated 05.02.2012, under Sections 498-A, 406 and 34 of the Indian Penal Code was registered at Police Station Sadar, Jind. The complainant thereafter filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 in which the Additional Chief Judicial Magistrate, Jind allowed the application entitling her to reside in shared household i.e. H. No. 648, Ward No. 29, Ajmer Basti, Bhawanigarh Road, Jind. This order came to be confirmed by an order dated 29.10.2013.

Aggrieved from the said orders, the present petition has been filed on the ground that both the Courts below have failed to appreciate that the property in question is the self acquired property of the petitioner who is the father-in-law of the complainant.

Counsel for the petitioner relies upon a judgment rendered in *S.R. Batra & Another vs. Smt. Taruna Batra, 2007 (1) RCR (Criminal) 403* to buttress his arguments that a daughter-in-law cannot claim rights of residence in a property that belongs solely to the father-in-law as it cannot be held to be shared residence. It is further contended that the respondent is not actually residing in the said premises and only comes there occasionally.

On the other hand, counsel for the respondent relies upon a judgment passed by a Single Bench of this Court in **CRR No. 4675 of 2015** titled as *Subhash and Another vs. Shivani*, decided on **03.12.2015** to argue that the judgment relied upon by the counsel for the petitioner is not applicable.

I have heard counsel for the parties and gone through the record.

At this stage, counsel for the respondent submits that the respondent is ready and willing to vacate the premises as per direction of this Court given on 21.02.2015. It is also submitted that certain goods belonging to the respondent are lying in a room in the house of the petitioner and that she is not being permitted to remove the same.

Without going into the merits of the case and on a very fair statement made by the counsel for the petitioner, respondent is permitted to remove her belongings from the room locked and the room

which is in her possession. In case she requires help, she may seek assistance of SHO of the police station concerned.

Counsel for the respondent submits that they will be present on 05.11.2016 to remove the articles belonging to the respondent.

Counsel for the petitioner is directed to ensure the presence of the petitioner on that day and to facilitate peaceful removal of the said articles.

With these observations, the above noted petition is allowed and both the afore-mentioned impugned orders are set aside.

**October 19, 2016**  
*Ansari*

**(JAISHREE THAKUR)**  
**JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether Reportable*

*Yes/No*