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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 4156/2014

BHAGAT SINGH & ORS

..... Petitioners

Represented by: Mr.Varun Mehlawat and
Mr.Dhananjay Mehlawat, Advs.

versus

STATE & ANR

..... Respondents

Represented by: Mr.Amit Ahlawat, APP for State
Ms.Manika Tripathy Pandey, Adv. for R-2 with
R-2/complainant in person.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

% **16.09.2016**

1. Yesterday after hearing arguments in the matter it was pointed out to the complainant that the complaint filed by her under Section 12 of the Protection of Women from Domestic Violence Act 2005 is vague. It has no particulars; the husband, mother-in-law and unmarried brother-in-law have been impleaded as respondents. Save and except a specific allegation against the mother-in-law that she has retained the '*domestic stuff*' (sic) of the complainant, the other averments of cruelty are generic. The allegations are that the respondents treat her with cruelty and gave her a beating. Who did what? Nothing has been said.
2. Matter was adjourned for today to enable learned counsel for the respondent/complainant to obtain instructions whether she is agreeable to withdraw the complaint with observations made by the Court that her right to file a fresh complaint with proper averments could be protected.

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3. Learned counsel for respondent complainant on instructions from respondent No.2/complainant who is present in Court consents to the complaint being withdrawn by her with liberty to file a fresh complaint.

4. Needless to state the complaint is vague and on principles analogous to Order VII Rule 11 CPC i.e. not disclosing a proper cause of action, warrants rejection, meaning thereby, right of the respondent No.2/complainant to file a fresh complaint would remain intact inasmuch as there is no period of limitation for proceeding under Section 12 of the Protection of Women from Domestic Violence Act 2005.

5. Noting the consent of the complainant the petition is allowed. Summoning order dated July 06, 2012 and Complaint No.159/13/12 in the Court of learned Metropolitan Magistrate, Rohini Courts is quashed.

Crl.M.A. No.14295/2014

Crl.M.A. No.14295/2014 disposed of as infructuous.

PRADEEP NANDRAJOG, J

SEPTEMBER 16, 2016

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