

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.761 of 2017

Arising Out of PS. Case No.-156 Year-2013 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Ramjee Verma Son of late Baijnath Prasad Resident of Village- Ramjee Coal
Depot, By- Pass Road, Buxar, P.S.- Buxar(T), District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shilpi Verma W/o Sanjay Verma C/o late Prem Nath Verma, R/o Opposite
Oktenganj Police Chouki, P.S. Balia Kotwali, District- Balia(U.P).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Respondent/s : Mr. MD. ASHLAM ANSARI

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date : 07-08-2017

Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State of Bihar.

2. The petitioner is aggrieved by an order, dated
15.05.2015, passed, in Criminal Appeal No. 68 of 2013, by learned
Additional Sessions Judge I, Buxar, whereby he has affirmed an
order, dated 03.10.2013, passed in Case No. 156 (C) of 2013, by
learned Judicial Magistrate, 1st Class, Buxar, whereby the
petitioner has been directed to pay a sum of Rs. 2,500/- per month
to Opposite Party No. 2, in a proceeding under the Protection of
Women from Domestic Violence Act, 2005 (hereinafter referred to
as the 'Act').



3. The Opposite Party No. 2 is the daughter-in-law of the petitioner. The learned Courts below have directed payment of the said amount of Rs. 2,500/-, considering the plea taken on behalf of the Opposite Party No. 2 that her husband is unemployed.

4. Learned Counsel appearing on behalf of the petitioner, assailing the impugned orders, has submitted that the learned Courts below ought not to have directed payment of said amount, exercising power under the provisions of the Act, since, admittedly, husband of the Opposite Party No. 2 is alive. He has submitted that father-in-law cannot be directed to pay any compensation or damages or maintenance amount under the provisions of the Act.

5. This application has been filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973. By order, dated 03.10.2013, the Judicial Magistrate, 1st Class, Buxar, has allowed interim relief of payment of a sum of Rs. 2,500/- per month till any further order was passed. The said interim order has been affirmed by the learned Additional Sessions Judge I, Buxar, by the impugned order, dated 15.05.2015. It is not known as to whether the said Complaint Case No. 156 (C) of 2013 is still pending or not and whether final order has been passed.



6. Be that as it may, the plea that since the petitioner is the father-in-law of the Opposite Party No. 2, he cannot be directed to pay monetary reliefs, under Section 20 of the Act is not tenable. The petitioner and the Opposite Party No. 2 come within the definition of 'domestic relationship', under Section 2 (f) of the Act, which means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. The petitioner falls within the definition of 'respondent', under Section 2 (q) of the Act, which means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under the Act. Proviso to the said definition makes it further clear and states that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner. The Opposite Party No. 2 is said to be living at her mother's place because her husband is not able to maintain her. It is the case of the Opposite Party No. 2 that her husband is also living with her at her mother's place.



7. In such circumstance, the plea which has been taken on behalf of the petitioner on the question of maintainability of the application under the Act before the learned Court below, filed by the Opposite Party No. 2, is not tenable. Further, since the order, dated 03.10.2013, passed by the learned Judicial Magistrate, 1st Class, Buxar, which has been affirmed by learned Additional Sessions Judge I, Buxar, is interim in nature, I am not inclined to interfere in revisional jurisdiction.

8. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
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