

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

-.-

Crl. Misc. M 11249 of 2017
Date of decision: 03.04.2017

Avtar Singh alias Tara and others

..... Petitioners

Versus

Smt. Jarnail Kaur

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Vivek K Thakur, Advocate
for the petitioners

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Rekha Mittal, J. (Oral)

Counsel for the petitioners, *inter alia*, contends that the proceedings under Sections 31, 32 and 18 of the Protection of Women from Domestic Violence Act, 2005 (in short, 'the Act') and Section 120-B of the Indian Penal Code (in short, IPC) have been initiated qua violation of interim order dated 11.07.2012 passed in a complaint filed under Section 12 of the Act though the proceedings initiated under Section 12 of the Act culminated in judgment dated 26.10.2016 passed by the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, Kapurthala whereby the complaint has been dismissed. It is further submitted that the proceedings pending before the Court below are nothing but an abuse and misuse of process of law, causing unnecessary harassment to petitioners No. 1 and 2, aged about 80 and 75 years respectively. Counsel for the petitioners has apprised the Court that the petitioners have already caused appearance before the Court below. It is prayed that the trial Court may be directed to decide the

question of maintainability of the petition but in the meantime, presence of petitioners No. 1 and 2 may be exempted.

In view of the above, the present petition is disposed of. The petitioners may file an appropriate application before the trial Court with regard to maintainability of the petition in view of subsequent events that the proceedings filed under the Act culminated in the judgment of dismissal on 26.10.2016. If such an application is filed by the petitioners within a period of fifteen days, the same shall be decided by the Court, in accordance with law, within a period of three months from the date of its filing. However, in the meantime, the Court shall not insist for personal appearance of petitioner No. 1 and 2 but they would ensure that they are represented before the Court through a counsel.

(Rekha Mittal)
Judge

03.04.2017
mohan bimbra

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