

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

**CRM-M No.34301 of 2016
Date of decision: 20.04.2017**

Smt. Raj Bala

...Petitioner

Versus

Dharamvir and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sanjay Verma, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition has been filed against the judgment dated 02.08.2016 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri, dismissing an appeal filed by Smt. Raj Bala-petitioner against the order dated 18.04.2013 passed by the Judicial Magistrate, Ist Class, Jagadhri, whereby application filed by petitioner under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act'), has been dismissed.

Application under Section 12 of the Act was filed by applicant-petitioner to the effect that her marriage was solemnized with Dharamvir-respondent No.1 on 27.05.1985. Out of this wedlock, two daughters namely, Sarla and Barpai alias Anchal were born. Soon after the marriage, her in-laws (respondents) started harassing and humiliating her on the pretext of bringing insufficient dowry. Demand of more dowry was made.

On showing her inability to do so, they gave beatings to her. It was alleged

that in the month of March, 1996, she was thrown out of her matrimonial house after giving merciless beatings. In this regard, petitioner filed a complaint under Sections 406 and 498-A IPC. Apart from this, she also filed a petition under Section 125 Cr.P.C. Her husband (respondent No.1) filed a petition for divorce. During the pendency of this petition, a compromise was effected between the parties, as a result of which, all the litigation pending between them were withdrawn. However, the respondents did not fulfill the conditions of the compromise and again made a demand of more dowry. In this backdrop, the application was filed.

Trial Court dismissed the application on the ground that the same was filed after delay of one year from the incident of domestic violence. Reference was made to the decision given by Hon'ble the Supreme Court in **Inderjit Singh Grewal Vs. State of Punjab**, 2011 (4) RCR 1.

Feeling aggrieved by the said order, petitioner preferred an appeal, which was dismissed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri. Hence, this petition.

A perusal of the impugned judgment/order(s) shows that petitioner and respondent No.1 lived together as husband and wife upto 1997 and thereafter, they separated from each other. After their separation, no incident of domestic violence had occurred. However, application under Section 12 of the Act was filed by the petitioner in the year 2010 i.e. after the lapse of more than one year. Thus, the same was clearly barred by limitation.

In these circumstances, having examined the impugned judgment/order(s), no illegality, much less perversity, has been found therein warranting interference by this Court while exercising its revisional

jurisdiction.

Resultantly, finding no merit, the present petition is dismissed.

20.04.2017
ajp

(RITU BAHRI)
JUDGE

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