

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

Crl. Misc. M 36366 of 2015 (O&M)
Date of decision: 12.12.2017

Amrit Rani

...Petitioner

Versus

Sangeeta Verma and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Sandeep Khunger, Advocate
for the petitioner.

None for respondent No.1.

Mr. A.S. Dhaliwal, DAG, Punjab.

JAISHREE THAKUR, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of Complaint No. CRM 184 of 2014 dated 10.10.2014 tilted **Sangeeta Verma Versus Dalip Kumar** filed by respondent No.1, under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short '**the Act**'), pending in the Court of Judicial Magistrate, 1st Class, S.A.S. Nagar, Mohali.

The brief facts giving rise to the controversy in the present case are that the marriage between Sangeeta Verma—respondent No.1, and Dalip Kumar was solemnized on 4.9.1997. Out of this wedlock three children were born. On 8.12.2008, respondent No.1 filed an application under Section 12 of the Act, alleging therein that her husband, namely Dalip Kumar, is a habitual drunk and he used to give merciless beatings to her. The

petitioner in this petition was arrayed as respondent No.2 and the only allegation against her was that she used to instigate her son Dalip Kumar to give severe beatings to respondent No.1. Dalip Kumar appeared in the said complaint. However, on 20.1.2009, respondent No.1 suffered a statement that she has compromised the matter with her husband and as such, she does not want to proceed with the case and consequently, the said petition was dismissed as withdrawn. Thereafter, on 10.10.2014, respondent No.1, again filed a petition under Section 12 of the Act, reiterating almost the same allegations as were made in the earlier complaint.

Learned counsel for the petitioner submits that matrimonial dispute, if any, is between respondent No.1 and her husband and the petitioner has nothing to do with the same. In fact, the petitioner is a permanent resident of U.S.A. She had left India on 6.10.2013 and since 20.10.2013 she is residing in Chicago with her younger son. It is further submitted that on perusal of the complaint, it is clear that no offence at all is made out against the petitioner under the relevant provisions of the Act. In fact, similar allegations were made against the petitioner when the earlier complaint dated 8.12.2008 was filed, but the same was got dismissed as withdrawn, having the matter compromised between respondent No.1 and her husband. Rather the petitioner has been arrayed in the complaint only to harass her. There is no specific allegation against the petitioner except vague averment that respondent No. 1 was turned out by her husband at the instigation of the petitioner. Therefore, the complaint qua the petitioner deserves to be quashed. In support of his submission, learned counsel for

petitioner relies on **Jaswinder Kaur and others Vs. State of Punjab and another 2013 (2) Law Herald 982.**

None appears on behalf of the respondent No.1.

I heard learned counsel for the parties and also perused the record of the case.

Respondent No.1 herself in her complaint has stated that the petitioner is living in U.S.A. In fact, the petitioner is not residing in the 'shared household' as defined in the Act and therefore, there cannot be any domestic violence because the 'domestic violence' has to be understood in context of 'domestic relationship' and 'shared household', which is missing in the present case. Once the petitioner is not sharing the household, therefore, there cannot be any domestic violence qua the petitioner. From the pleadings of the parties, it is abundantly clear that the petitioner has been arrayed in the complaint only to harass her, particularly when she is residing abroad since 6.10.2013, therefore, the complaint (Annexure P/4) would not lie against the petitioner. Arraying of the petitioner as co-respondents along with husband of the complainant in the complaint is sheer abuse of process of law which has to be prevented by this Court by exercising inherent power under Section 482 of the Code of Criminal Procedure.

For the reasons aforesaid, I find that there is no sufficient ground for proceeding against the petitioner. Consequently, the instant petition is allowed, impugned Complaint No. CRM 184 of 2014 dated 10.10.2014 tilted **Sangeeta Verma Versus Dalikp Kumar** filed by respondent No.1, under Section 12 of the Protection of Women from

Domestic Violence Act, 2005, pending in the Court of Judicial Magistrate,
1st Class, S.A.S. Nagar, Mohali, is quashed qua the petitioner.

12.12.2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No