

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

CRR No. 3513 of 2016(O&M)

Date of decision: 26.4.2017

Pawandeep Kaur

....Petitioner

VERSUS

Daljit Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. J.S. Gill, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

CRM No.30238 of 2016

Prayer in this application is for condonation of delay in filing the revision.

Heard.

In view of averments made in the application supported by an affidavit of the petitioner, the application is allowed. Delay of 10 days in filing the revision stands condoned.

Disposed of accordingly.

CRM No.13556 of 2017

Heard.

Allowed as prayed for.

Annexures P-1 and P-2 are taken on record subject to just exceptions.

Disposed of accordingly.

CRR No. 3513 of 2016

The present petition directs challenge against order dated 30.05.2016 passed by the Additional Sessions Judge, Hoshiarpur whereby

the appeals preferred by the respondents against order dated 29.01.2015 passed by the Sub Divisional Judicial Magistrate, Dasuya vide which the respondents were ordered to be summoned in proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'the Act') have been allowed and the order dated 29.01.2015 has been set aside.

Counsel for the petitioner would submit that the Appellate Court committed a serious illegality by taking an erroneous view that the trial Court was required to pass a speaking order when as a matter of fact, the proceedings under Section 12 of the Act cannot be treated as a criminal complaint filed under Section 200 of the Code of Criminal Procedure, 1973. It is further submitted that the order impugned may be set aside and the matter be remitted to the Appellate Court for decision of the appeals afresh, in accordance with law.

I have heard counsel for the petitioner, perused the paper-book particularly the order impugned.

The Court in appeal has recorded detailed reasons culled out in para 6 onwards of the impugned order. One of the reasons that weighed in the mind of the Appellate Court is that the petitioner did not aver or disclose in the application that she had ever lived in a domestic relationship with the appellants or had ever been subject to any act of domestic violence at the hands of the appellants.

A bare perusal of the application (Annexure P-1) would substantiate these findings recorded by the Court of appeal as nothing has been mentioned therein as to the domestic relationship of the petitioner with the respondents and as to how the respondents have committed any

act of domestic violence against the petitioner entitling her to initiate proceedings against the respondents. In this view of the matter, no intervention in the impugned order is warranted even though the Appellate Court may not be right in saying that the trial Court was required to record findings in respect of a prima facie case.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated hereinbefore shall prejudice either of the parties in the proceedings pending before the trial Court.

APRIL 26, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no