

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-10155 of 2016

Date of Decision: 14.2.2018

Pooja

.....Petitioner

Versus

Neetu and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Jasdeep Singh, Advocate
for the petitioner.

None for respondent No. 1.

Ms. Mahima Yashpal, AAG, Haryana.

ANITA CHAUDHRY, J

This petition has been filed seeking quashing of complaint No. 40 dated 9.2.2016 titled *Neetu versus Rajan and others* lodged by respondent No. 1 under Section 12 of Women from Domestic Violence Act, 2005 (Annexure P-1) and all the consequent proceedings arising out of the same.

No one is appearing for respondent No. 1 for the last three dates.

The petitioner has claimed that she is not in domestic relationship and she has been summoned in the complaint filed under Section 12 of the Domestic Violence Act.

Counsel for the petitioner has referred to the allegations made in the complaint (Annexure P-1) and points out that the complainant has alleged that respondent No. 1 i.e. the husband was in relationship with respondent No. 4 (petitioner here) and those are the only allegations. The

Domestic Violence Act ('Act' for short) and states that the complaint is not maintainable since there was no domestic relationship.

The petitioner has been summoned in a complaint case filed under Section 12 of the Act. The complainant had impleaded the petitioner as a party. The allegations levelled against her were that she was in a relationship with the husband of the complainant.

A complaint under the Domestic Violence Act can be filed by an aggrieved person who is in a domestic relations with the respondent. The definition of domestic relationship is defined in Section 2(f) of the Act and reads as under:-

“domestic relationship” 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 complaint has not referred to any relationship between the complainant and respondent No. 4. They are not related by consanguinity or marriage. The trial Court without even going through the allegations has entertained the complaint. Since there is no domestic relationship between the complainant and the petitioner, therefore the complaint qua her is not maintainable. As such the complaint as well as any subsequent order passed in the proceedings are quashed only qua the petitioner.

The petition is allowed.

(ANITA CHAUDHRY)
JUDGE

February 14, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No