

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-13729 of 2016
Date of Decision: 12.10.2018**

Deepak and another

.....Petitioner

Versus

Deepika

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. J.S.Jaidka, Advocate
for the petitioners.

Mr. Varun Mittal, Advocate for
Mr. Vikas Mohan Gupta, Advocate
for the respondent.

ANITA CHAUDHRY, J

The petitioners are the married sister-in-law and her husband and are seeking quashing of the complaint filed by the respondent under the Domestic Violence Act (Annexure P-1) and the summoning order (Annexure P-2).

The complaint was filed under the Domestic Violence Act by respondent Deepika in 2016. She was married to Gaurav Bedi on 4.12.2013 at Ludhiana. It was pleaded that parents of the complainant spent 24-25 lacs on the marriage and dowry had been given to the respondents but the respondents were not satisfied with the dowry and started maltreating and taunting the complainant. The allegations were that the respondent-husband used to torture and give beatings to the complainant under the influence of liquor. The allegations further were that when she was pregnant she was not provided proper food and medical treatment by the respondents,

therefore, her parents took her to the parental home on 29.10.2014 where she gave birth to a female child on 29.11.2014. It was alleged that she joined the matrimonial home in the last week of January 2015. The allegations further were that in February 2015 respondent No.1 (husband) poured kerosene oil upon the complainant and the child but due to timely intervention of the family members, they were saved. It was pleaded that respondent No. 1 used to spend nights out of the matrimonial house and when the applicant asked him the reason for staying out, he used to beat her. It was further pleaded that respondent No. 1 used to come late at night in a drunken condition and beat her. It was further pleaded that respondents No. 2 to 5 instigated the husband to get divorce from the complainant. It was alleged that respondent No. 3 used to taunt the complainant and abused her in the presence of relatives. It was pleaded that whenever respondents No. 4 and 5 visited the matrimonial home they provoked respondents No. 1 to 3 to desert the complainant. It was further alleged that on 15.10.2015, the respondents called the parents of the complainant to take her along with the child and therefore her parents brought them to the parental house. It was pleaded that several panchayats were held but the matter could not be reconciled. It was also pleaded that respondent No.1 threatened the complainant and her family members to eliminate in case they approached the police.

A perusal of the complaint would show that the allegations have been made by the wife against the husband and the in-laws. There are general allegations against the accused. The complainant did not cite any specific incident in her complaint against the petitioners. It is also clear from the complaint that the petitioners were not living with the complainant.

The couple were married on 4.12.2013 and they were living at Ludhiana whereas the petitioners who were the married sister-in-law and her husband were living separately at Amritsar. The complainant had also pleaded in her complaint that the petitioners used to visit the matrimonial home. The petitioners were not living in the shared household. Vague allegations have been made against the sister and her husband. Report of the Protection Officer was called by the trial Court but it appears that the trial Court failed to consider the facts and did not wait for the protection officer's report and proceeded to summon the respondents. There are no specific allegations against the petitioners. Differences had arisen between the couple. Several panchayats were also held but the matter could not be settled.

It is a case where the law has been used to terrorize the husband, his family and relatives. The complainant has impleaded relatives who were not living in the shared house and permitting the Court below to proceed with the complaint would be an abuse of the process of law. Considering the facts and circumstances, it is a fit case where the complaint and the subsequent proceedings qua the petitioners should be quashed.

The petition is allowed. The complaint and the subsequent proceedings are quashed, qua the petitioners.

(ANITA CHAUDHRY)
JUDGE

October 12, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No