

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-40547 of 2017 (O&M)
Date of Decision: 08.10.2018**

Palak Thapar and others

.....Petitioners

Versus

Sweta

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Tanmoy Gupta, Advocate
for the petitioners.

Mr. Kunal Dawar, Advocate
for the respondent.

ANITA CHAUDHRY, J

The unmarried and married sisters-in-law and her husband have filed the petition as they have been summoned in a complaint filed under the Domestic Violence Act by the respondent.

The complaint was filed under the Domestic Violence Act by Sweta in 2017. She was married to Chirag on 25.2.2015 at Faridabad. The couple stayed in Agra after marriage. No child was born to them. The complainant pleaded that she along with her husband shifted to Gurugram as the husband was working there. The allegations were there that whenever the respondents visited or spoke to her they would demand Rs. 10.00 lacs cash and instigated the husband to torture the complainant physically and mentally. It was pleaded that the respondents sometime would keep the complainant at Agra and sometime in Gurugram and did not treat her properly nor provided her with food and taunted her for bringing less

dowry. The allegations are that the husband raised a demand in May 2015

and when she showed her inability she was beaten up. It was alleged that when respondent No. 2 (father-in-law) came to know that the complainant's father was a partner in a petrol pump, he started pressurizing the complainant to take the husband as a partner and when she refused, they started torturing her. The allegations further are that on 8.10.2015 all the accused raised the demand and abused her in filthy language and instigated the in-laws to beat her and she was beaten and thrown out of the house. It was alleged that the matter was reported to the police and a compromise was effected but even thereafter the behaviour did not change and the husband started staying outside the house for several days without intimation. It was pleaded that in July 2016, the husband left the house saying that he had some work and would remain out for some days but he never returned. The complainant went to Agra in search and was humiliated. She returned to her parents house on 25.8.2016. It was pleaded that the husband had filed a petition seeking divorce at Agra. She had got an FIR registered at Faridabad in September 2016.

The submission on behalf of the petitioners is that the matrimonial home was in Gurgaon and the complainant had got an FIR registered in September 2016 and had named all the relatives and challan was presently only against the husband and the petitioners were declared innocent. The counsel further submits that petitioner No. 1 is the unmarried sister-in-law who lives at Agra whereas petitioners No. 2 is the married sister-in-law and her husband i.e. petitioner No. 3 are living separately and the complaint does not disclose any domestic incident. It was urged that the marriage had taken place on 25.2.2015 and the complainant along with her husband after their honeymoon came to Gurgaon in March 2015 and they

had never lived in Agra at any point of time and they have placed on record the rent agreement and the respondent has not cared to even to file reply or refute those facts. It was urged that petitioner No. 1 was presently living in Delhi where she was working and prior thereto she had lived in Gurgaon where she was studying and continuation of the proceedings would be an abuse of the process of the law and they have been named only out of spite and the proceedings should not be allowed to continue.

On the other hand the submission on behalf of the respondent is that the order was appealable and no appeal has been filed and the petition under Section 482 Cr.P.C. was not maintainable. It was urged that it was a matter of evidence and the trial Court has to examine the facts after the parties have led their evidence.

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. It is also clear from the complaint that the petitioners were not living with the complainant. The couple had established a separate household and had moved to Gurgaon. The petitioners were not living in the shared household. Vague allegations have been made against the sisters. The complainant had lodged an FIR and had named all the relatives and the police had enquired into the case and had filed challan only against the husband and the petitioners were declared innocent.

Petitioner No. 1 unmarried sister-in-law was living in Agra but was working for sometime in Gurgaon but was living separately and not with the couple. Petitioners No. 2 is the married sister-in-law and her husband i.e. petitioner No. 3 were living separately in Agra. 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. The complainant had mentioned the details and it was easy for the Court to find out whether the married sister-in-law was living with the complainant. The complainant had specifically pleaded that she had moved to Gurgaon just after three weeks of their marriage. The trial Court failed to notice that the address of the respondents was shown to be that of Agra. There was a specific averment by her that the couple had stayed in Gurgaon. Differences had arisen between the couple within six months but a compromise was effected. The allegations levelled with respect to the incident of July 2016 is vague. It is a case where the law has been used to terrorize the husband, his family and relatives. There is no MLR relating to the incident of October 2015. 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 08, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes