

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

(1) CRM-M-45025-2017

Aseem Mehra

...Petitioner

Versus

Smt.Manju

...Respondent

(2) CRM-M-12589-2018

Smt.Rekha Rani

...Petitioner

Versus

Smt.Manju

...Respondent

Date of Decision:9.10.2018

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Deepak Girhotra, Advocate
for the petitioner(s).

Mr.Saurabh Dalal, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

Vide this order, I propose to dispose of **CRM-M-45025-
2017 and CRM-M-12589-2018.**

Petitioners Aseem Mehra and Smt.Rekha Rani have

brought the abovesaid petitions under Section 482 Cr.P.C. for quashing of the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act) along with the Protection of Women from Domestic Violence Rules, 2006, P.S. Sadar, Bhiwani bearing No.291/II-C dated 1.7.2017 as well as setting aside of order dated 1.7.2017 passed by Additional Chief Judicial Magistrate, Bhiwani issuing notice to the petitioners along with all consequential proceedings arising therefrom.

Briefly stated, the facts of the case are that marriage between the complainant Manju and Amit Mehra was solemnized on 1.7.2007 at village Rewari Khera; that after the marriage, the spouses started residing together; the marriage was consummated and they were blessed with two children i.e. a daughter, namely, Megha aged about 8 years and a son, namely, Girender alias Golu aged about 6 years, however a matrimonial discord took place between the spouses with the result Manju left the matrimonial home along with children; she had filed the complaint in question, notice of which was given to the respondents. As such the respondents (herein petitioners) have approached this Court seeking quashing of the said order.

Petitioner Aseem Mehra is a brother of husband of complainant. He is seeking quashing of the petition qua him on the ground that no specific allegation or overt act constituting the domestic violence act had been attributed to him; that he has been student of Maharaja Aggrasain Medical College, Agroha, Hisar from 2004 to 2008 and later on was employed as Junior Resident and Senior Resident in PGIMER, Chandigarh from the year 2011 to 2017 and now is he is

running a clinic at Patiala from August, 2017 onwards; that he has not been residing at Bhiwani during the period in question.

Whereas petitioner Rekha Rani, who is sister of husband of complainant is seeking quashing of the petition qua her on the ground that she had got married on 18.11.1991 and since then stayed with her husband at various places and in the year 2003, she started working as Stenographer in Central Excise & Taxation Department in Bhiwani from 2004 to December 2008 (Ac hoc basis); that from 23.12.2008 she joined as a regular employee in Department of Excise & Taxation, Chandigarh, Sector 17 and since then she is staying at Chandigarh.

Both the petitioners pleaded that they have been involved in this case to cause harassment and trouble to them and the petition in question filed against them is nothing but an abuse of process of law.

Notice of the petitions was issued to respondent, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

In the petition under the Act filed by complainant, she has impleaded her husband, parents-in-law, brother-in-law and sisters-in-law. Of the late, a tendency is coming up amongst aggrieved wives to implicate as many relatives of the husband as possible to act as a tool of harassment of family members of husband, who have little role to play in the matrimonial life of the husband and wife. In the instant case as pointed out by learned counsel for the petitioners in the application submitted by the complainant addressed to Superintendent of Police, Bhiwani, she had sought taking taking of action against her husband

Amit Mehra, father-in-law Mahabir, mother-in-law Nihali Devi, sister-in-law Rajni and Rekha on account of harassment and maltreatment with respect to demand of dowry. Petitioner Aseem Mehra was not named therein. The said application is dated 26.12.2016. In the petition in question filed by her on 1.7.2017, the petitioner Aseem Mehra has been impleaded as one of the respondent. In the said petition, there are no pointed or specific allegations against petitioner Aseem Mehra. If petitioner Aseem Mehra was involved in harassment and maltreatment of the complainant as alleged by her, then she would definitely have named him as one of the culprits in her application addressed to SP, Bhiwani dated 26.12.2016. In the complaint also, there are no clear cut or specific allegations against him, which might have gone to show that petitioner Aseem Mehra had perpetrated domestic violence upon the complainant. As has been submitted on behalf of the petitioners, petitioner Aseem Mehra had been residing outside his house for most of the time. The marriage between the complainant and Amit Mehra had taken place on 1.7.2007. According to petitioner Aseem Mehra, he was studying in Maharaja Agrasain Medical College, Agroha, Hisar at that time and subsequently got employment as a Junior Resident and Senior Resident in PGIMER, Chandigarh and then is having practice at Patiala from August, 2017 till date.

Whereas as regards petitioner Rekha Rani, she being a married woman residing with her husband at various other places, it is highly unlikely that she would have interfered in matrimonial life of her brother.

There seems to be merit in the contentions of learned

counsel for the petitioners that they have been roped in as a pressure tactic.

Therefore, petition/complaint under the Act is an abuse of process of law against the petitioners and the interest of justice would be squarely met, if the petition stand allowed.

Accordingly, the petitions are allowed and the abovesaid petition under the Act alongwith ancillary proceedings qua the present petitioners are hereby quashed.

9.10.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No