

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 2642 of 2015 (O&M)
Date of Decision: 14.8.2018

Sunita Rani

.....Petitioner

Versus

Gursharan Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner.

ANITA CHAUDHRY, J

CRM-23636-2015

Application is allowed for the reasons stated therein.

Delay of 51 days in filing the revision is condoned.

CRR-2642-2015

The petitioner is aggrieved of the orders dated 8.5.2013 and 11.2.2015 as her application filed under Section 12 of the Domestic Violence Act, 2005 had been dismissed.

Few facts would be necessary.

Sunita was married to Gursharan Singh in 2005. They had two children who are living with the father. A complaint was filed in the Court in 2009. The allegations were made that the complainant's father had spent a huge amount on the marriage and had given jewellery to the family besides the electronic goods. It was pleaded that the behaviour of the husband and the family members was not good and she was maltreated and taunts were

given as she had not got the car according to their status. Allegations also were that on 7.9.2008 her husband gave her a beating and left her at Sangrur and demanded a new car and she could not join the matrimonial home till the demand was met. The complainant's father gave a complaint to the Women Cell, Sangrur on 9.9.2008. It was claimed that the respondents-accused assured the complainant and her parents that they would take her back within 2-4 days but they were putting off the matter on one pretext or the other. The complainant sought maintenance as well as litigation expenses. It was pleaded that the husband was a property dealer and was earning Rs. 50,000/- per month from his business.

The allegations were refuted in the reply and it was pleaded that the couple were living separately from the parents. It was denied that any goods or cash was paid on the *chuchak* ceremony or that any beatings were given on 7.9.2008. It was pleaded that the complainant along with her husband and children had come to meet the parents of the petitioner and in the morning the complainant's mother misbehaved with her son-in-law and he was beaten up by the father of the complainant and he ran to save his life. It was asserted that on 11.9.2008 Piare Lal, father-in-law of the respondent along with complainant and her two uncles and two other persons came to their house at Hisar at 5.00 P.M. and gave severe beatings to the parents of the husband and an FIR was registered against them. It was pleaded that mother of the claimant had also got an FIR registered on 14.9.2008 which was investigated and re-investigated and it was found to be a false complaint and cancellation report was submitted.

The trial Court after examining the evidence asserted that the complainant had failed to prove any domestic violence incident. It noted

that the petition for divorce had been filed by the husband and the petition was allowed and divorce was granted to the husband on the ground of cruelty. The right of residence was declined as it was found that the marriage no longer subsisted. It was also noted that the wife was getting maintenance in the proceedings initiated under Section 125 Cr.P.C. The Court noted that the wife had claimed custody of the children but while making a statement in the Court she did not press for custody of the children. It also noted that the FIR had been registered against the family of the complainant.

Aggrieved by the dismissal of the complaint, an appeal was preferred which too was dismissed on 11.2.2015.

Still not satisfied, this revision has been filed.

Records have been summoned.

I have heard the counsel for the petitioner at great length and have gone through the evidence.

The complainant had given a specific date on which she was allegedly beaten but when she stepped into witness box she stated that she could not tell the date, month or the year. She had stated that she had not got herself medically examined. In the complaint, there was a positive assertion that the accused (husband) had given her a beating on 7.9.2008 and had left her at Sangrur but in the cross-examination she had made a contradictory statement wherein she disclosed that she had come to her parents house on 10.9.2008 and her husband and children were with her. Therefore, the statement that she was beaten and left at her parents house on 7.9.2008 is false. The complainant could not prove any domestic violence incident. A divorce decree was passed on 20.9.2012. The children

born from the wedlock are with the father. The FIR which was lodged at the instance of the complainant's family was cancelled as the incident was found to be false. Considering the evidence I find no infirmity in the findings recorded by both the Courts below.

The revision petition is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

August 14, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No