

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

Crl. Misc. M-4334 of 2017 (O&M)  
Date of Decision: January 18, 2018

Suman Kumar

...Petitioner

Versus

Geeta Verma and another

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. G.S. Goraya, Advocate  
for the petitioner.

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**JAISHREE THAKUR, J. (Oral)**

**CRM-37723-2017**

This is an application for condoning the delay of 27 days in filing the revision.

For the reasons given in the application, the same is allowed and delay of 27 days in filing the appeal is condoned.

**Main case**

The instant revision petition has been filed challenging the order dated 13.07.2017 passed by learned Addl. Sessions Judge, Hoshiarpur.

In brief, the facts of the case are that, respondent No.1-Geeta Verma filed an application under Sections 12, 14, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the

DV Act') alleging therein that her marriage was solemnized with Subhash Chander in the year 1995, who is elder brother of the petitioner herein and thereafter, started residing with her husband in joint family. It is submitted that the petitioner herein started threatening respondent No.1 for vacating the house and used to pick up quarrel with the husband and son of respondent No.1. Notice of the application was given and the petitioner herein filed his reply and contested the complaint. The complaint, so filed by respondent No.1, came to be dismissed by Judicial Magistrate Ist Class, Hoshiarpur. Being aggrieved, respondent No.1 filed an appeal before Addl. Sessions Judge, Hoshiarpur, which came to be partly allowed and respondent No.1 herein was found entitled to protection order as envisaged under Section 18 of the DV Act. Being aggrieved against the order passed in appeal, the instant criminal revision came to be filed by the petitioner.

Learned counsel for the petitioner argued that the story of respondent No.1 is false and fabricated, as she failed to place on record any medical record of alleged injury or any witness from the neighborhood. It is submitted that statement of the witnesses are inconsistent and they cannot be believed and relied upon.

I have heard learned counsel for the petitioner and perused the record of the case.

The learned Addl. Sessions Judge, Hoshiarpur, while allowing the appeal of complainant/respondent No.1, has observed as under;-

*“21. The learned Trial Court, while passing the impugned order, took the view that no proof of occurrence dated 17.08.2010 has come on record. The learned Trial Court, however, overlooked the fact that on the*

*application dated 12.10.2012, compromise Mark C1, which has been admitted by respondent, was effected and respondent undertook to open the lock put by him on the kitchen of appellant. Even the report of Protection Officer that there remains bickering between both the parties and that respondent indulges in physical violence with the aggrieved person, whose husband is of gentle nature, has also been overlooked by the learned Trial Court.*

22. *From the compromise Mark C1, the contents of which have been admitted by respondent, it stands established that there remains dispute between the parties with respect to the use of shared household and that the daily bickering has the potential to culminate into a violent incident.*

23. *At the same time, it would be pertinent to mention here that during the course of personal hearing, the parties unanimously took the stand that as of now there is no dispute between the parties. Yet the parties desired the court to pass an order on merits.*

24. *There remains no doubt about the fact that there has remained dispute between the parties with respect to user of joint/shared household. Though there is no cogent or convincing evidence about the specific occurrence dated 17.08.2010, appellant has, at times, suffered due to the unreasonable acts of respondent, who has admitted the specific instance of having put a lock on the kitchen of appellant and thereafter removing the same with the intervention of the respectables and the police. Therefore, the observation of the learned Trial court, that there is no proof that there has been any violence between the parties or that basic ingredients of the provisions are not made out, cannot be sustained and the observation of the learned Trial court to this extent is liable to be set*

*aside, though of course, the specific incident dated 17.8.2010 remains to be proved on record.*

25. *Keeping in mind the totality of circumstances, therefore, and the nature of relationship and dispute between the parties, the appellant/aggrieved person is found entitled to protection order as envisaged under Section 18 of the Act, prohibiting the respondent from disturbing or interfering in the possession of appellant-aggrieved person in the portion shown red in the site plan attached with the application and from hurling abuses at her.”*

The petitioner is younger brother-in-law of respondent No.1, who is complainant in the present case. The petitioner herein is residing at the first floor and respondent No.1 is residing at the ground floor of the shared household, which belonged to the father-in-law of the complainant and father of the petitioner herein, who has since died. The complainant has alleged harassment and threat to vacate the said house at the hands of the petitioner, regarding which number of complaints were moved by her, however, the matter was compromised therein. There remains dispute between the parties with respect to the use of shared household.

From the above observations recorded by the learned Addl. Sessions Judge, Hoshiarpur in appeal, the arguments addressed by learned counsel for the petitioner herein that the complainant has failed to prove any injury or to produce any witnesses from the neighborhood herein does not hold good, keeping in view the admissions made by the petitioner during the course of evidence as well as the report of the Protection Officer. This court

does not find any ground to interfere with the impugned judgment dated 13.07.2017.

In view of the foregoing discussion, the revision in hand stands dismissed, being devoid of any merits.

January 18, 2018

*vijay saini*

(JAISHREE THAKUR)

JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |