

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

CRR No.3365 of 2018 (O&M)

Date of Decision: November 01, 2018

Munish Kumar

...Petitioner

Versus

Kanchan and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rahul Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. Learned counsel for the petitioner herein seeks to assail the order dated 14.08.2018 passed by the Additional Sessions Judge, Mansa whereby the order dated 22.12.2014 passed by the court of Sub Divisional Judicial Magistrate, Budhlada has been set aside in proceedings that have been initiated under the Protection of Women from Domestic Violence Act (in short 'DV Act').

2. In brief, respondent No.1-Kanchan sought to summon the petitioner and his other members of the family under Section 12 of the DV Act, which petition was dismissed on the ground of limitation, by relying upon judgment rendered in **Inderjit Singh Grewal vs. State of Punjab and another, 2011(4) RCR (Criminal) 1**. The complainant assailed the said order before the Additional Sessions Judge, Mansa, which was allowed and

by the impugned order dated 14.08.2018, the matter was restored to its original number with a direction to the trial court to proceed further with the matter from the stage where it was dismissed. Aggrieved, the petitioner has filed the instant criminal revision.

3. I have learned counsel for the petitioner and perused the pleadings of the case.

4. It is well settled that a complaint filed under the DV Act cannot be dismissed merely on the ground that there is delay in filing the same, because provisions of Section 468 of Code of Criminal Procedure are not applicable to the proceedings initiated under Section 12 of the DV Act. Reliance in this regard can be placed upon judgments rendered in **Vikas and others vs. Smt. Usha Rani and Another, 2018(3) RCR (Criminal) 307, Geeta Kapoor and another vs. State of Haryana and another, 2014 (1) RCR (Criminal) 942, Pankaj Sharma and another vs. Priyanka Sharma, 2015(3) RCR (Criminal) 349, Prabir Kumar Ghosh and others vs. Jharna Ghosh and another, 2016(2) RCR (Criminal) 951.**

5. In view of the above, finding no merit in the instant criminal revision, the same is hereby dismissed.

November 01, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No