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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 4053/2018 and Crl. M.A. 29790/2018

MS. AVANTIKA TYAGI Petitioner
Through Mr. K. Sunil, Advocate with Mr.
Mani Shanker, Advocate

Versus

SH. AMAN TYAGI AND OTHERS Respondents
Through None

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **10.08.2018**

Petitioner filed a petition under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 before the trial Court against her husband, parents-in-law and sister-in-law (respondent no. 4). Husband of petitioner is settled in U.S.A. Petitioner got married with respondent no. 1 on 23rd February, 2017. It is also not in dispute that after her marriage, petitioner had gone to U.S.A. and stayed with her husband till she returned on 25th October, 2017.

It is submitted that respondent no. 1 left for U.S.A. on 5th March,

2017; whereas petitioner left on 26th March, 2017 and returned on 25th October, 2017. Respondent no. 4 (sister-in-law), who is married sister of husband of complainant, is living with her husband in Abidjan. After returning from U.S.A., petitioner has filed the complaint on the allegations that during her stay from 24th February, 2017 to 26th March, 2017 in Noida respondent no. 4 was also living at her parents' house, as she had come to attend the marriage.

Trial court declined to summon the respondent no.4 in these facts.

Appellate Court has also held as follows:-

“Therefore, even as per plea taken in the application, appellant and respondent no. 4 stayed together in the house of parents-in-law of appellant for about a month i.e. from 24.02.2017 to 26.03.2017. On 26.03.2017 appellant went to US to stay together with her husband and as per allegations she came back on 25.10.2017. Therefore, apparently there had not been a continuous living together as a member of family in a shared household between appellant and respondent no. 4.”

I do not find any perversity in the impugned order thereby resulting in miscarriage of justice.

Petition is dismissed. Miscellaneous application is disposed of as infructuous.

AUGUST 10, 2018
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A.K. PATHAK, J.