

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

CRM-M No.33623 of 2017

Date of decision: 21st February, 2019

Dr. Renu

... Petitioner

Versus

Balbir Singh Saharan & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Vivek Khatri, Advocate for the respondents.

FATEH DEEP SINGH, J.

Petitioner wife Renu has invoked jurisdiction of this Court with the aid of Section 482 Cr.P.C. seeking adequate compensation against the respondents for the period from 15.05.2014 to 14.07.2017 during which period her right to residence in shared household on the basis of orders dated 15.05.2014 (Annexure P4) passed in her complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short, 'the Act') was violated.

Heard Mr.Sandeep Verma, Advocate for the petitioner;
Mr.Vivek Khatri, Advocate for the respondents and perused the records.

Petitioner Dr. Renu filed against her husband Ravinder Singh Saharan, Balbir Singh Saharan father-in-law, Sunder mother-in-law and Saroj sister-in-law, being husband's sister, a complaint under Section 12

of the Act through her father Moji Ram. The brief claim of the wife is that she was married to Ravinder Singh Saharan out of which the couple was bestowed with a male child and had been residing along with husband in Vishakhapatnam (Andhra Pradesh). It is alleged that the husband is working in Indian Navy as Lt. Commander and was earning more than Rs.84,696/- per month. It is claimed that on account of matrimonial dispute she was thrown out by the respondents along with the minor child and thus, instituted the complaint. The Court of learned Additional Chief Judicial Magistrate, Hisar while disposing off the interim application of the wife through orders dated 10.12.2013 passed the following orders:-

“9. So, keeping in view the entire facts and circumstances, the interim maintenance application is hereby allowed to the tune of Rs.15,000/- per month to be paid by respondent No.1 to Renu and her infant child till the pendency of the petition. Now to come up on 22.1.2014 for payment of interim maintenance as well as for evidence of the petitioner.”

Aggrieved over these orders, an appeal was filed by the wife and so by the husband. The Court of learned Additional Sessions Judge, Hisar through impugned findings dated 15.05.2014 passed the following orders:-

“15. It is pertinent to mention here that the prices of everything which are needed to meet the day to day

requirements of routine daily life are touching the sky and a handsome amount of money is required for that to live the life in a dignified way. Thus, in view of the aforesaid discussion, it is held that the applicant wife Dr.Renu along with her infant child is granted Rs.20,000/- per month as interim maintenance to be paid by the respondent-husband Ravinder Singh from the date of filing of petition and till the decision of the same. The applicant-wife Dr.Renu alongwith her infant child is also held entitled to live in shared household of her father-in-law's house, at village Kaimri, who is further directed to provide suitable accommodation to the applicant Dr.Renu in that house including basic amenities of electricity, toilet bathroom etc. to the applicant, in the shared household. Accordingly, the appeal filed by the respondent-husband Ravinder Singh fails and same is hereby dismissed. The appeal filed by applicant-wife Dr.Renu is hereby allowed to the above extent."

Still aggrieved and dissatisfied, the wife has come up in this petition and besides money so awarded has sought compensation during the period she was kept away from the matrimonial home in compliance of these orders.

Appreciating the arguments of the two sides, admittedly it was on the prayer of the petitioner wife, interim orders were passed by the Court and which as on date is to the effect that the wife and the minor child are granted Rs.20,000/- per month as interim maintenance to be paid by the husband from the date of filing of the petition and till the

decision of the same. Besides, both, the mother and the child were also held entitled to shared household of her father-in-law at village Kaimri directing the respondents to provide suitable accommodation to the wife and the child including basic amenities of electricity, toilet, bathroom etc. in their shared household.

Mr. Sandeep Verma, learned counsel for the petitioner could not convince this Court that how can this Court by virtue of exercise of powers under Section 482 Cr.P.C. adduce evidence to hold as to the likelihood of compensation to which the wife is entitled for disobedience of these orders. Present petition has come about challenging interim orders throughout in the first Court as well as in the first appellate Court and it is a question of evidence and facts which can only be produced at the trial of the complaint over which the Court can adjudicate at the time of final disposal of the complaint. It would be too preposterous to hold so as has been argued by learned counsel for the respondents Mr. Vivek Khatri, Advocate that the petitioner whether was entitled to such a relief at this juncture of the proceedings. More so, Section 26 of the Act makes it emphatically clear that any relief available by way of protection order under Section 18, residence orders under Section 19, monetary reliefs under Section 20 and custody orders under Section 21 including compensation orders under Section 22 of the Act can also be sought in any legal proceeding before a Civil Court, Family Court or a Criminal Court affecting the aggrieved person, which would be in addition to and

along with the other reliefs available to the aggrieved person. The relief being sought in the present petition is covered under Section 22 of the Act, which provides that an application made by the aggrieved person can be granted by the Magistrate and which, to the mind of this Court, is to be granted by the trial Court consequent upon the tangible evidence before it. Furthermore, an aggrieved person can report a breach of protection order or an interim protection order to the Protection Officer by virtue of Rule 15 of the Protection of Women from Domestic Violence Rules, 2006 (in short, 'the Rules') and which further covers under Sub-Rule (7) any resistance to the enforcement of the orders of the Court under the Act by the respondent or any other person purportedly acting on his behalf shall be deemed to be a breach of protection order or an interim protection order covered under the Act, and therefore, entails commission of cognizable offence as provided under Sections 31 and 32 of the Act. Rather than knocking at the doors of this Court seeking compensation and which powers under Section 482 Cr.P.C., as has been well enshrined in the case of '**State of Haryana and others v. Ch.Bhajan Lal and others**' 1992 AIR SC 604' are to be used sparingly to meet the ends of justice. Since alternative statutory remedies as detailed above, are available to the petitioner on that score, it would not be appropriate for this Court to overrun the statutory provisions of the law and hold seisin over the matter. In the light of the same, this Court is of the view that the present petition does not sustain and therefore, stands

dismissed. It is worthwhile to refer here that other challenges to orders of this Court dated 27.05.2014 (Annexure P5) and dated 17.07.2014 (Annexure P6) are to be considered by the appropriate Benches of this Court where relevant matters are pending.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

February 21, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No