

206.

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

CRM-M-36622-2018

Date of decision: 07.11.2019

ANTI THAPAR & ANR

... Petitioners

versus

SWETA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Tanmoy Gupta, Advocate,
for the petitioners.

None for the respondent.

HARI PAL VERMA, J. (Oral)

The petitioners, who are father-in-law and mother-in-law of the complainant, have filed this petition under Section 482 Cr.P.C. for quashing the order dated 03.03.2017 passed by the learned trial Court whereby the petitioners have been summoned to face trial in a complaint filed by the respondent under Sections 12, 18, 19, 20, 21, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (for short, the Act).

Briefly stated, the marriage of the respondent was solemnized with Chirag (son of the petitioners) on 25.02.2015. She has filed the aforesaid complaint against the whole family including their daughters- Richa Arora (married) and Palak Thapar (unmarried). In the complaint, petitioners have been summoned to face trial.

Counsel for the petitioners has argued that after getting divorce from Chirag, respondent has now remarried and staying abroad. She has filed the complaint under the DV Act, just to harass the whole family including the petitioners, who are otherwise aged persons. Summoning has been made in violation of Section 12(1) of the Act, wherein it is provided that an aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act. However, before passing an order on such an application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider. But before issuing summons, no such report was sought in the case and, therefore, the very complaint is liable to be dismissed qua the petitioners. He has referred to the order dated 08.10.2018 passed by this Court in ***CRM-M-40547-2017*** titled as ***Palak Thapar and others Versus Sweta*** wherein in similar circumstances, the complaint against the other co-accused Palak Thapar, Richa Arora and Mohit Arora was quashed by this Court.

In this case, notice of motion was issued and as per the office report, service is complete, but no one has put in appearance on behalf of the respondent.

Heard.

The argument of counsel for the petitioners that the respondent after having divorce from Chirag, has solemnized marriage and is settled abroad, remained un rebutted as no one has put in appearance on behalf of respondent despite service. Therefore, having recourse to the judgment

passed by this Court in *Palak Thapar and others's case (supra)* and the fact that averments remained uncontroverted that the respondent after having divorce from Chirag has solemnized marriage and is settled abroad, this Court finds that it is a fit case where the present complaint qua the petitioners deserves to be quashed.

Accordingly, the present petition is allowed and the complaint and the subsequent proceedings are quashed qua the petitioners.

(HARI PAL VERMA)
JUDGE

07.11.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No