

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

**CRM-M-19460-2019 (O&M)
Date of Decision: 1.5.2019**

Karan Lohia @ Deepak and others

.....PETITIONER(s).

VERSUS

State of Haryana and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rajiv Sharma, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

This is a petition filed under Section 482 of the Code of Criminal Procedure for setting aside order dated 27.3.2019 (Annexure P-2) passed by Judicial Magistrate, 1st Class, Panchkula whereby the application of the petitioner for dismissing the complaint filed under the provisions of Protection of Women from Domestic Violence Act, 2005 (in short, “the Act”) has been dismissed.

Heard.

It has been argued that the courts at Panchkula had no territorial jurisdiction.

Section 27 of the Act *ibid* provides as under : -

“27. Jurisdiction.—

(1) The court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which—

(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b) the respondent resides or carries on business or is employed; or

(c) the cause of action has arisen, shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.

(2) Any order made this Act shall be enforceable throughout India.”

From a bare perusal of the said provisions, it is very much clear that the aggrieved wife can file a complaint at a court within whose local limits she is residing permanently or temporarily or carries on business or is employed. It has been specifically averred by the respondent wife in para 22 of the petition that she is presently residing at Panchkula.

Reliance has been placed by the counsel for the petitioner on the judgment of this Court passed in CRM-M-32351-2016 on 23.1.2018 but the ratio descendi therein does not of any help to the petitioner.

No ground is made out for interference by this Court.

Dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

May 1, 2019
Paritosh Kumar

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No