

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

**CRR-3806-2017 (O&M)
Date of Decision: 14.5.2019**

Shiv Kumar Dargan

.....PETITIONER(s).

VERSUS

Sangeeta Dargan

.....RESPONDENT(s).

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

Present: Petitioner in person.

Mr. Aakash Singla, Advocate,
for the respondent.

RAJ SHEKHAR ATTRI, J.

The present revision petition has been filed against the judgment dated 31.8.2017 passed by learned Additional Sessions Judge, Patiala upholding the order dated 18.11.2016 passed by learned Judicial Magistrate, 1st Class, Patiala vide which the complaint of the respondent wife under the provisions of Protection of Women from Domestic Violence Act has been allowed.

Brief facts of the case are that the respondent wife filed a complaint under the provisions of Protection of Women from Domestic Violence Act against her husband (respondent before the learned Magistrate). The same was allowed by learned Judicial Magistrate, 1st Class by observing as under : -

“1. Protection order against the respondent prohibiting from committing any act of violence against the petitioner and her children or from aiding or abetting the commission of any such act.

2. The respondent is further prohibited from entering in the life of complainant by entering into her school where she is employed.

3. The respondent is further restrained from disturbing the possession of the petitioner in house no.2b Block A Ambey Apartment Lower Mall Patiala without due course of law.

4. The respondent is directed to pay maintenance amount of Rs. 8000/- per month for each child.

5. The respondent is directed to pay a lump sum compensation of Rs.10,000/- to the complainant.”

In support of his contentions, the petitioner has placed reliance on the judgments of the Ho’ble Supreme Court in **Om Prakash Singh v. Union of India and others**; Civil Appeal No.5655 of 2010 decided on 20.7.2010, **Shiromani & others v. Hem Kumar and others**; 1968 AIR 1299, **Rajeshwar Prosad Misra v. State of West Bengal and another**; 1965 AIR 1887, **Baby @ Sebastian and another v. Circle Inspector of Police**; Criminal Appeal No.952 of 2010 decided on 26.7.2016, **Vikram Singh and others v. State of Punjab**; Criminal Appeal No.1396-97 of 2008 decided on 25.1.2010; **Shaikh Maqsood v.**

State of Maharashtra; Criminal Appeal No.898 of 2009 decided on 4.5.2009 and Kerala High Court in **E.S.I. Corporation v. R. Ramakrishnan;** Insurance Appeal No.12 of 2005 decided on 13.4.2007.

I have heard the petitioner in person and learned counsel for the respondent and gone through the record. I have also gone through the written arguments filed by the petitioner.

After going the entire record including the written arguments, this Court is of the view that the impugned orders dated 31.8.2017 passed by learned Additional Sessions Judge as well as the order dated 18.11.2016 passed by learned Judicial Magistrate, 1st Class, Patiala are fully sustainable under the provisions of law and do not suffer from any illegality, infirmity and irregularity.

However, the facts in **Om Prakash Singh v. Union of India and others; Shiromani & others v. Hem Kumar and others; Rajeshwar Prosad Misra v. State of West Bengal and another; Baby @ Sebastian and another v. Circle Inspector of Police; Vikram Singh and others v. State of Punjab; Shaikh Maqsood v. State of Maharashtra;** and in **E.S.I. Corporation v. R. Ramakrishnan** relied upon by the petitioner are distinguishable.

Dismissed.

(**RAJ SHEKHAR ATTRI**)
JUDGE

May 14, 2019
Paritosh Kumar

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No