

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

Date of Order: January 25, 2019

+ **CRL.M.C. 389/2019**

DEVIKA CHOPRA

.....Petitioner

Through: Mr. Satish Aggarwala and
Mr. Vinay Jaidka, Advocates

versus

PARVATI CHOPRA

.....Respondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl.M.A. 1685/2019 (Exemption)

Allowed subject to all just exceptions.

Crl.M.A. 1686/2019 (delay)

There is delay of 78 days in re-filing the accompanying petition.

For the reasons stated in the application, it is allowed and the delay is condoned.

The application is disposed of.

CRL.M.C. 389/2019

In proceedings under the Protection of Women from Domestic Violence Act, 2005 (*hereinafter referred to as PWDV Act*), trial court vide order of 16th May, 2016 has held that petition filed by respondent-applicant under the aforesaid enactment is maintainable and it is within the limitation, while observing that the last incident of domestic violence

is of 28th September, 2012 and petition under the PWDV Act had been filed on 3rd December, 2012.

Vide order of 10th July, 2018 the Revisional Court has concurred with the view taken by the trial court.

The challenge to impugned order by petitioner's counsel is on the ground that the complaint against petitioner, who is the sister-in-law of the complainant-respondent, is not maintainable as the complainant-respondent had moved out of the matrimonial home in the year 2009 and the instant complainant had been filed in the year 2012. It is also submitted that after having lost the civil proceedings in respect of the subject property, the instant complaint regarding the said property is not maintainable.

Upon hearing and on perusal of the impugned order, I find no error in the impugned order requiring interference of this Court while invoking extraordinary inherent jurisdiction of this case under Section 482 of Cr.P.C as last incident of domestic violence is of September, 2012 and petition filed in December, 2012 is apparently within limitation.

Accordingly, this petition is dismissed while not commenting on merits of the case.

(SUNIL GAUR)
JUDGE

JANUARY 25, 2019

v