

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

124

CRM-M-2509-2022

Date of decision:02.02.2022

ATAMBIR SINGH AND OTHERS

...PETITIONERS

V/S

MANMEET KAUR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. R.S. Bajaj, Advocate for the petitioners.

SUVIR SEHGAL J.

Heard through video conferencing.

Vide the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973, the petitioners seek quashing of impugned order dated 03.12.2021, Annexure P-5, passed by the Court of learned JMIC, Amritsar, in Criminal Complaint No.COMA/256/2021 dated 17.03.2021 filed under Sections 12, 17, 18, 19, 20, 22 and 23 of The Protection of Women from Domestic Violence Act, 2005, (for short - "DV Act"), Annexure P-1, whereby application filed by the respondent for amendment of the complaint has been allowed.

Shorn of unnecessary details, suffice it to notice that the respondent is the wife of petitioner No.1 and petitioners No.2 and 3 are her in-laws. She has filed a petition, Annexure P-1, under the DV Act against the petitioners on 18.03.2021, seeking various reliefs thereunder. Upon being served, the petitioners filed a detailed reply dated 05.08.2021, Annexure P-2, contesting the petition, *inter alia* submitting that the facts as mentioned in Para 19 of the petition are incorrect. An application for amendment dated 11.08.2021, Annexure P-3, has been instituted by the respondent for amendment of the petition, Annexure P-1, which after

contest has been allowed by the trial court vide order impugned herein.

Counsel for the petitioners has placed reliance upon the judgment of the Supreme Court in **Ram Niranjana Kajaria versus Sheo Prakash Kajaria and others** 2015 (4) R.C.R. (Civil) 580, to submit that an admission once made by a party cannot be permitted to be withdrawn and the impugned order cannot be sustained.

Argument addressed by the counsel have been considered.

In Ram Niranjana Kajaria's case (supra), a civil suit had been instituted in the year 1978, wherein an admission made in the written statement by the defendant was sought to be withdrawn 15 years later, when the trial was at an advanced stage. The position in the present case is totally different. Petition filed by the complainant under the DV Act has been instituted in March, 2021, containing a factual error and on an objection taken by the petitioners in their reply, on an application moved by the respondent, it has been permitted to be corrected vide the impugned order. There is nothing to show that any admission has been withdrawn by the respondent. The proceedings before the trial court are at an initial stage and no prejudice can be said to have been caused to the petitioners. There is no infirmity or illegality in the order passed by the trial court.

Petition is dismissed.

02.02.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No