

136 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-5448-2022
Decided on : 09.02.2022

Parveen Lata

..... Petitioner

Versus

Yamuna

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.P.S.Chaudhary, Advocate
 for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The petitioner is seeking quashing of complaint bearing No.COMA/4540/2020 dated 08.06.2020 under Sections 12, 17, 18, 19, 20, 21, 22 (read with Section 23 of Protection of Women from Domestic Violence Act, 2005) (hereinafter referred as 'the Act') pending in the Court of JMIC, Ludhiana and summoning order dated 12.06.2020 (Annexure P-2) and order dated 13.07.2021 (Annexure P-5) qua the petitioner.

Learned counsel for the petitioner submits that the complaint in question has been filed with an ulterior motive to harass the petitioner and his entire family and the allegations levelled therein are totally false and fabricated. Learned counsel submits that an application dated 24.03.2020 was filed earlier by the respondent to the police wherein also she had levelled similar false and concocted allegations, however, the police had not found any substance in the allegations. He further submits that after the respondent's marriage with her son in the year 2007, on account of her continuous misbehaviour, a dispute arose between the parties, as a result of

which the respondent and her husband i.e. son of the petitioner moved into a separate accommodation in the year 2016. Learned counsel submits that there was no domestic relationship between the petitioner and the respondent as they did not reside in a “shared household” and her case hence, would not be covered by Section 2(f) and 2(s) of the Act.

Heard learned counsel and perused the material on record.

It would be apposite to reproduce Section 2(f) and 2(s) of the Act, which deals with the definition of “domestic relationship” and “shared household”-

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) to (e) xxxx xxxx xxxx

(f) “domestic relationship” means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;

(g) to (r) xxxx xxxx xxxxx

(s) “shared household” means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or

singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household.”

A bare reading of Section 2(f) of the Act reveals that the expression **“at any point of time”** appearing therein, would mean in case the parties have at any point in time lived together in a shared household, he/she would fall within the ambit of **“domestic relationship”**. Still further, a perusal of Section 2(s) of the Act makes it abundantly clear that from **“shared household”** it would be inferred a household where the aggrieved person lives or may have lived at any stage in the “domestic relationship” either singly or jointly with the respondent.

Adverting to the case in hand, it has not been disputed, rather it is the admitted case of the petitioner that she along with her husband had lived together with the respondent and her husband i.e. her son till the year 2016. Just because after the year 2016, the respondent-complainant moved out and started living separately, and at the time of filing of the complaint was living separately, would not make the case of the petitioner fall outside the ambit of Section 2(f) and 2(s) of the Act, more so, since the allegations levelled pertain to the period prior to 2016 when the parties admittedly were living together.

Hence, at this stage, and in the wake of allegations levelled in the complaint in question, this Court would not be inclined to delve into the truthfulness or otherwise of the allegations levelled. Needless to add, the

petitioner would get ample opportunity to test the veracity or otherwise, of the allegations levelled on the touchstone of cross-examination, during trial.

Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

09.02.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No