

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

116

CRWP-4570-2022

Date of Decision: 19.05.2022

Manpreet Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Arun Takhi, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

HARINDER SINGH SIDHU, J.

Present criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a direction to official respondents No. 2 and 3 to direct respondents No. 4 to 7 not to interfere in the life of the petitioner and to allow her to stay in the portion of the house in possession of the petitioner situated in Village Ajnoha, PS Mehtiana, District Hoshiarpur.

Petitioner is the wife of respondent No.4. The marriage of petitioner and respondent No.4 was solemnized on 06.11.2020. Respondents No. 5 and 6 are the parents of respondent No.4. Respondent No.7 is the brother of respondent No.4.

It is the case of the petitioner that respondents No. 5 to 7 were not in favour of the marriage of the petitioner and respondent No.4. They continuously harassed and beat the petitioner. They even succeeded in withdrawing money from the account of the petitioner. On 22.10.2021 the petitioner was thrown out of the matrimonial home. She submitted a complaint to the police, however, the matter

was compromised. Thereafter the petitioner and respondent No.4 started living separately by taking an accommodation on rent in Model Town Hoshiarpur. On 08.03.2022, respondent No.4 left the petitioner alone in the house and went away. Thereafter he has not returned. The petitioner then shifted to the matrimonial house of the petitioner. This is the same house where the petitioner earlier resided with respondent No.4. Respondents No. 5 to 7 are also residing in the same house. However the petitioner has been thrown out of the matrimonial house by respondents No. 5 to 7 on 13.04.2022. She was even beaten by the said respondents. In this regard the petitioner has also submitted a complaint Annexure P-1, however, no action has been taken.

The petitioner is pregnant. The delivery is due sometime in May end. The petitioner is presently residing with some friends. The petitioner is presently left with no one to take care of her as both the parents are dead.

The Protection of Women from Domestic Violence Act, 2005 has specially been enacted to take care of such eventualities. Provisions are made therein for passing protection orders, residence orders, orders granting monetary relief in aid of a woman who is a victim of domestic violence. The Act also empowers the Magistrate to grant interim relief as also pass ex-parte orders.

In view thereof, the present petition is disposed of giving liberty to the petitioner to approach the concerned Magistrate with an appropriate application under the provisions of The Protection of

Women from Domestic Violence Act, 2005. If such an application is made, it is expected that the Magistrate would taking into account the urgency of the situation, pass appropriate orders including such interim orders as may be deemed necessary.

[HARINDER SINGH SIDHU]
JUDGE

May 19, 2022
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Whether speaking/reasoned	yes/no
Whether reportable?	yes/no