

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

121

CRM-M-11055-2023

Date of Decision : 24.03.2023

Asha Ram Verma @ Assa Ram Verma

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.S.S.Kainth, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of Complaint No. 2663/2020 (Annexure P-5) titled as “Veena Verma vs. Asha Ram Verma and another” which is pending before Illaqa Magistrate, Patiala, under Sections 12, 18, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005.

On 02.03.2023, the following order was passed:

“Learned counsel for the petitioner inter alia contends that respondent No.2 has filed a complaint under Section 12 of Protection of Women from Domestic Violence Act against the petitioner who is a 74 years old man. The respondent No.2 is 2nd wife of the petitioner and at the behest of two sons who are from her earlier marriage, she is pursuing the matter

before the Family Court at Patiala. The respondent No.2 is staying with petitioner, thus, she has no right to file any application against the petitioner qua accommodation or maintenance or cruelty. The petitioner is a 74 years old man, thus, it is highly improbable that the petitioner is causing any harassment to respondent No.2 who is a 56 years old woman.

On being pointed out the afore-stated fact, learned State counsel seeks time to verify the actual position and apprise the Court.

Adjourned to 24.03.2023.”

Learned State counsel on instructions from HC Baldev Singh submits that it is a factually correct that the petitioner and the private respondent are residing in same house. The petitioner is residing at ground floor and respondent No.2 is residing at first floor.

Learned counsel for the petitioner submits that in view of factual position confirmed by learned State counsel, the private respondent is not entitled to accommodation.

On being confronted with the fact that no adverse order has been passed by learned Magistrate in aforesaid complaint, learned counsel for the petitioner prays that personal appearance of the petitioner may be exempted and his right to challenge any adverse order passed against him may be protected.

Without commenting on merits of the case, the petition is disposed of with following directions :

- i) Personal appearance of the petitioner before trial Court shall remain exempt;
- ii) The petitioner shall remain present as and when

- specifically called by the trial Court;
- iii) The petitioner shall not raise any grouse on the sole ground of his absence, if any adverse order is passed against him;
 - iv) The petitioner shall be at liberty to raise all the pleas before the trial Court and avail remedies as permissible by law, if any adverse order is passed against him;
 - v) Learned Magistrate is requested, before passing any order qua accommodation, to consider the fact that respondent No.2 is staying in the house of the petitioner;
 - vi) The petitioner is at liberty to raise all pleas including question of jurisdiction at the time of passing of final order.

(JAGMOHAN BANSAL)
JUDGE

24.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>