

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M 35514/2023
Date of decision: 25.07.2023.Ghanshyam Kumar Yadav and another
.....Petitioners.

Vs.

Lalti Devi
.....Respondent**CORAM HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Vivek Aggarwal, Advocate for the petitioners.

Nidhi Gupta, J.

Petitioners in this petition under Section 482 Cr.PC are seeking quashing of complaint dated 22.9.2021 bearing No. Comp. DV Act 264/2021 (Annexure P-2) filed under Sections 12, 17, 18, 20, 22 etc. of Protection of Women from Domestic Violence Act, 2005 pending before the Court of ACJM, Chandigarh, as well as all subsequent proceedings arising therefrom, including summoning order dated 9.5.2023 (Annexure P-3).

Ld. counsel for the petitioners submits that the present complaint is prima facie not maintainable as the respondent/wife of petitioner no.1 herein, had earlier also filed an identical complaint (Annexure P-1). Ld. Counsel states that in the said complaint case Annexure P-1, the petitioners have been exonerated. In this regard learned Counsel refers to the report dated 22.9.2022 (Annexure P-4) of the Investigating Officer, as also report dated 21.10.2022 (Annexure P-6) wherein it has been recommended that no police action is required at this stage.

Ld. Counsel submits that as the petitioners have been exonerated in the above said complaint, merely with the ill-intent to harass the petitioners, the respondent has now filed the present complaint (Annexure P-2) on the identical facts and allegations. Ld. counsel submits that accordingly, great harassment as well as mental and physical torture is being caused to the petitioners; and therefore, prays for quashing of the complaint (Annexure P-2) and all subsequent proceedings arising therefrom. It is further submitted that petitioner no.1 has even filed a petition under Section 9 of the Hindu Marriage Act, 1955 as petitioner No.1 wants to live with the respondent-wife.

Heard ld. counsel for the petitioners and perused the paper book.

Perusal of the paper book reveals that complaint at Annexure P-1 is a representation dated 15.9.2021 which was filed by the respondent before the Senior Superintendent of Police, Chandigarh; whereas present complaint Annexure P-2 was filed on 22.9.2021 (i.e. just a week thereafter), before the ld. JMIC, UT Chandigarh under Section 12 of Protection of Women from Domestic Violence Act, 2005. Needless to say, there can be no parity between two proceedings.

Accordingly, finding no merit in the submissions made by ld. counsel for the petitioners, the present petition stands **dismissed**.

25.07.2023.
Joshi

(Nidhi Gupta)
Judge