

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**128****CRM-M-46411-2023 (O&M)****Date of decision: 15.09.2023****Jagdeep Singh****...Petitioner(s)****Vs.****Jaspal Kaur & Another****...Respondent(s)****CORAM:****HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: -

Mr.Kamaljeet Singh Mamrat, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present petition under Section 482 Cr.P.C. is filed seeking quashing of complaint No.COMA/18/2021 filed under Section 12 of Protection of Women from Domestic Violence Act, 2005, pending before the Court of learned Sub-Divisional Judicial Magistrate, Nihal Singh Wala, District Moga (Annexure P1).

2. Learned counsel for the petitioner-husband inter alia submits that the petitioner was married to respondent No.1 on 07.12.2008. Out of their wedlock, two children were born, of whom daughter (respondent No.2) is in the care and custody of respondent No.1 and son is in the care and custody of the petitioner. Parties had maintained cordial relations till 19.07.2018. Learned counsel submits that genus of the present complaint is that on 19.07.2018, brother of respondent No.1 had come to the house of the petitioner in a drunkard condition and quarrelled with the petitioner and also abused him. Thereafter, on 23.07.2018, when the petitioner came to his house all the brothers of respondent No.1 were present and they caused some injuries to the petitioner and his family

members. Accordingly, the petitioner had lodged FIR No.106 dated 26.07.2018 under Sections 452, 323, 341, 427, 148 and 149 IPC at Police Station Dayalpura, District Bathinda (Annexure P2). Learned counsel contends that present complaint (Annexure P1) is a counter blast to the above said FIR filed by the petitioner. Learned counsel submits that there is no factual truth in the present complaint and therefore, the same deserves to be quashed.

3. I have heard learned counsel for the petitioner.

4. The sole ground on which the petitioner is seeking quashing of present complaint is that the same is counter blast to the FIR registered by the petitioner in the year 2018. Admittedly, the present complaint has been registered on 06.10.2021. Therefore, the same cannot be stated to be a counter blast to the FIR registered by the petitioner three years prior thereto in the year 2018 as present complaint has been filed more than three years thereafter.

5. Furthermore, record of the case reveals that respondent No.1 had made a complaint to Women Cell, Moga which was consigned to Record Room vide report dated 03.10.2018 (Annexure P3) on the ground that *"...The complainant does not want to live with her husband and wants to take her due rights and her child. In response to that, Jagdeep Singh has filed a case for restitution of conjugal rights at the Ld. Court of phul to accompany his wife in his house. A copy of the same is attached. Apart from that, in support of the allegations made in her complaint, the complaint has not submitted any medical report, witness or evidence, therefore, the*

offence is not proved.”. Thereafter, Respondent No.1 had filed a complaint under Sections 498-A and 406 IPC, which was dismissed in default by learned Sub-Divisional Judicial Magistrate, Nihal Singh Wala vide order dated 08.01.2019 (Annexure P4).

6. Be that as it may, the petitioner has not cited any ground save that the present complaint of 2021 is a counter blast to the FIR of 2018 filed by the petitioner. In view of above discussion, I find no ground is made out for quashing of complaint No.COMA/18/2021 filed under Section 12 of Protection of Women from Domestic Violence Act, 2005, pending before the Court of learned Sub-Divisional Judicial Magistrate, Nihal Singh Wala, District Moga (Annexure P1). Present petition accordingly stands **dismissed**.

7. Pending application(s) if any also stand(s) disposed of.

15.09.2023

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No