

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

133

CR-2362-2024

Date of Decision: 22.04.2024

Preeti Sharma

...Petitioner

Versus

Deepak Pant and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Namit Khurana, Advocate,  
for the petitioner.

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**VIKAS SURI, J. (ORAL)**

1. Petitioner-Preeti Sharma has invoked the jurisdiction of this Court under Article 227 of the Constitution of India seeking direction to learned Judicial Magistrate First Class, Karnal, to decide the application under Sections 23 and 26 of the Protection of Women from Domestic Violence Act, 2005 (for short 'DV Act') in case registered as COMA/89/2023, instituted on 17.02.2023, in a time bound manner; with further prayer that respondents be restrained from alienating or transferring the shared household of the petitioner i.e. #1158, Sector 9, Karnal, wherein the petitioner is residing; and also for issuance of interim protection from the violent behaviour of the respondents and to ensure safety of the petitioner and her child during the pendency of the case.
2. Learned counsel for the petitioner has submitted that the marriage of the petitioner was solemnized with respondent No.1 on

30.11.2016. After marriage, they cohabited with each other and lived as husband and wife. The petitioner started living in her matrimonial home at Madhuban, as at that time, her parents-in-law were working in the police department at Madhuban. On 02.12.2017, petitioner was turned out of the said house and in lieu of the Panchayat convened between the parties, she was taken back. Thereafter, petitioner and respondent No.1 were blessed with a girl child and mother-in-law of the petitioner shifted them to House No.1158, Sector 9, Karnal and thereafter, she started living at the aforementioned property. The said child is currently residing with the petitioner. In January 2021, the petitioner was again turned out from her matrimonial home which resulted in her filing a complaint under the DV Act at Shahbad, which was later on withdrawn on the basis of a compromise effected with her husband and in-laws. It is further submitted that the petitioner always wanted to settle in her matrimonial house and for the said reason, she kept on giving chances to the respondents with the hope that some day, good sense would prevail upon them. As the respondents kept harassing the petitioner, she also had to file a civil suit against them for permanent injunction but the same was withdrawn for filing a complaint under the DV Act.

3. Learned counsel for the petitioner has further submitted that on 18.01.2023, respondent Nos.2 and 3 entered the abovementioned shared household of the petitioner i.e. House No.1158, Sector 9, Karnal and started throwing out her belongings in the presence of other police officials. They

also threatened to turn out the petitioner and her daughter and to disconnect all utility services like electricity, gas and water from the said premises so that the petitioner would not be able to reside therein. The petitioner was constrained to file a complaint dated 16.02.2023 under the DV Act, a copy of which has been appended along with the present revision petition as Annexure P-1. Through the said complaint, the petitioner has sought for (1) protection order under Section 18; (2) residence order under Section 19; (3) monetary reliefs under Section 20; (4) compensation order under Section 22; and (5) expenses for legal proceedings under Section 26 of the DV Act. Vide order dated 17.02.2023, learned Chief Judicial Magistrate, Karnal, directed the other party to put in appearance on 20.02.2023. On the said hearing, the petitioner also moved an application dated 17.02.2023, under Sections 23 and 26 of the DV Act seeking interim orders, a copy of which has also been appended along with the present revision petition as Annexure P-3.

4. Notice of the aforesaid complaint and application was issued to the respondents for 06.06.2023, on which date learned Presiding Officer was on leave and the proceedings were deferred to 29.04.2024 i.e. for a period of nearly 10 months. It is further pleaded that thereafter, on two different occasions, petitioner had moved an application for early hearing of the aforesaid proceedings as the respondents had left no stone unturned to alienate the shared household of the petitioner and had also conspired to physically harm her. One of the aforesaid applications for early hearing was

dismissed vide order dated 10.07.2023 (Annexure P-4). It is further submitted that upon moving the second application for early hearing, case was taken up on 29.02.2024 and the said application was deferred to 04.03.2024, on which date the same was allowed and hearing of the main case was advanced to 22.03.2024. Notice was also ordered to be issued to the respondents through Protection Officer for the date fixed, besides calling for Domestic Incident Report (DIR). It is further submitted by the counsel that on 26.02.2024, when the petitioner was at her workplace, the respondents along with musclemen and property dealers visited the aforementioned residence, manhandled the mother of the petitioner and also started throwing around household articles. FIR No.125 dated 26.02.2024 was registered at Police Station Sector 32-33, District Karnal, regarding the said incident.

5. Learned counsel for the petitioner has strenuously urged that while respondent No.2 has retired from the police department, respondent No.3 is still working there; they have a strong connection with officers/officials in the department and the petitioner apprehends danger to her life, as in the past also, the respondents have attempted to harm her, her daughter and mother. After the aforesaid incident, the petitioner had moved yet another application seeking early hearing of the matter and had sought interim orders for not being dispossessed from the shared household. Vide order dated 22.03.2024, the aforesaid application has been deferred to 30.04.2024, for consideration.

6. In the backdrop of the above narration, learned counsel for the petitioner contends that the petitioner, at this stage, would be satisfied if a direction is issued to the Judicial Magistrate First Class, Karnal, to consider and decide the application moved by the petitioner, dated 17.02.2023 (Annexure P-3), in a time bound manner.
7. Heard learned counsel for the petitioner and have perused the record with his able assistance.
8. In the light of the statement made by learned counsel for the petitioner, without going into the merits of the case or commenting thereon, the present revision petition is disposed of with directions to the Judicial Magistrate First Class, Karnal, to consider the application dated 17.02.2023 (Annexure P-3) for interim orders, in accordance with law and decide the same expeditiously, preferably within a period of one month from the date of receipt of a copy of this order.
9. Revision petition is disposed of.
10. Pending applications, if any, also stand disposed of.

April 22, 2024

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( VIKAS SURI )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |