



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 3209 of 2024 (O&M)
Date of Decision: 15.07.2024

Veena Sharma and others
..... Petitioners
Versus
Nidhi Sharma and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gaurav Sharma, Advocate
for the petitioners.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present revision petition, seeks setting aside of the petition bearing No. DV/38/2023, filed at the instance of respondent No. 1-complainant, under Sections 12, 17, 18, 19, 20 & 22 of Protection of Women from Domestic Violence Act, 2005 (*hereinafter to be referred as “the Act”*), titled “*Nidhi Sharma Versus Akhil Sharma and others*” (Annexure P-4), as well as the summoning order dated 13.03.2023 (Annexure P-8) passed by learned Judicial Magistrate First Class, Ambala, whereby they have been summoned to face trial therein.

[2] Learned counsel for the petitioners submits that there are two material contradictions in the case pleaded by respondent No. 1 (Nidhi Sharma) in her complaint. Pointing out those, he submits that in FIR No. 278, dated 10.09.2022 (Annexure P-2), registered under Sections 498-A, 406 & 506 of IPC at Police Station Barara, District Ambala, respondent No.1 being complainant, the allegations were pertaining to demand of a

Honda City Car alongwith Rs. 5 lakhs, whereas in her complaint under the Act, it was stated that the petitioners were claiming Pulsar motor-cycle with Rs. 5 lakhs. He further points out that the complainant-respondent No. 1, in her statement dated 22.06.2023 (**Annexure P-6**) recorded before the Protection Officer, stated that her husband was drawing salary of Rs. 45,000/- being Deputy Manager in Ratnakar Bank Ltd., Jhandewalan, Delhi, whereas in the complaint under the provision of the Act, she was claiming that his salary was about Rs. 70,000/- and thus, on account of the aforementioned two material discrepancies in the factual aspect, the complaint filed at her instance as well as the summoning order dated 13.03.2023 (P-8) passed by learned Judicial Magistrate First Class, Ambala, were liable to be set aside.

[3] After hearing learned counsel for the petitioners and having gone through the paper-book, I am unable to find substance in the submissions made on behalf of the petitioners.

[4] A perusal of FIR No. 278 dated 10.09.2022 (supra) shows that the allegations were levelled against the petitioners of having demanded Honda City Car in the marriage, whereas in the original complaint filed under the provisions of the Act, it was alleged that a demand of Pulsar motor-cycle was made from her. However, respondent No. 1 immediately sought amendment of the original complaint seeking inclusion of para-5A therein and in the said paragraph, it was specifically stated that the petitioners demanded Honda City Car from respondent No. 1-complainant. As regards the averments regarding the salary of petitioner No. 3 (Akhil Sharma), though in the statement made before the Protection Officer, it was

stated that the husband was drawing salary of Rs. 45,000/-, whereas in the complaint, it was pleaded that he was drawing salary of Rs. 70,000/-, however, variation about the salary of her husband, as pleaded by the complainant-respondent No. 1, cannot be termed to be fatal to her cause at this stage of proceedings, as she being not in custody or possession of the authenticated documents regarding the salary being drawn by her husband and the same being matter of record to be proved during trial only. Thus, at this stage, without affording any opportunity of leading evidence to respondent No. 1-complainant on the aspect of salary being drawn by her husband, she cannot be non-suited for any such reason.

[4.1] Moreover, as regards the variation in the demand of dowry raised by the petitioners, in the humble opinion of this Court, no substance can be found in any such submissions made on behalf of the petitioners, as by way of having sought amendment in the original complaint seeking permission to include para-5A, wherein it has been specifically pleaded that the demand of Honda City Car was made from respondent No. 1-complainant as dowry by the petitioners, any observation made at this stage would be pre-mature.

[5] Keeping in view the aforementioned disputed facts involved in the present petition, which need to be gone into during trial by affording opportunity of leading evidence to the parties, finding no merits in the present petition, the same is hereby **dismissed**.

July 15, 2024

(HARKESH MANUJA)

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JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No