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

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**CWP-24102-2024 (O&M).
Date of Decision: 20.09.2024.**

SANDEEP SHONIK

... Petitioner(s)

Versus

POOJA BAKSHI

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Srijan Sharma, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court for seeking dismissal of the complaint filed under Section 12 of the Domestic Violence Act bearing No.COMP D.V. ACT/119/2020 dated 25.08.2020 which is stated to be pending in the Court of Ms. Chinu Sharma, Judicial Magistrate First Class, Chandigarh.

Learned counsel appearing for the petitioner contends that the respondent Priya Bakshi has filed the aforesaid complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and even though prior to the institution of said complaint, she had also submitted certain complaints to the police and on investigation, a closure report had been submitted on all such complaints. It is contended that in the complaint

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filed under the Protection of Women from Domestic Violence Act, 2005, no domestic incident report had been filed before the Judicial Magistrate First Class, however, an interim order was passed in favour of the respondent-Pooja Bakshi on 09.06.2022 against which an appeal bearing No.CRA-139-2022 has been preferred before the Court of Sessions, Chandigarh. Despite the matter having been taken up on numerous occasions, the appeal is not being adjudicated. He contends that the petitioner has never taken any adjournment in the said matter and the same is ripe for arguments.

A mere recommendation of a closure report regarding the complaint filed under Sections 406 and 498-A of the Indian Penal Code, 1860 (as it was then), would not be sufficient, at this stage, to hold that a complaint under the Protection of Women from Domestic Violence Act, 2005, would not be maintainable. Further, it cannot be said that the complaint suffers for want of jurisdiction or competency. The grievance of the petitioner argued before this Court is primarily against the delay in adjudication of the appeal by the learned Additional Sessions Judge, Chandigarh.

I find that the petitioner is pursuing multiple remedies against the same grievance. He has asserted that an appropriate direction be issued to the Additional District Judge, Chandigarh, to decide the pending appeal expeditiously and in a time bound manner.

Thus, while finding no merit in so far as the challenge to the complaint filed under Section 12 of the Domestic Violence Act bearing No.COMP D.V. ACT/119/2020 dated 25.08.2020, is concerned, this Court

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deems it appropriate to dispose of the present writ petition with a direction to Additional Sessions Judge, Chandigarh to take an expeditious decision in the pending appeal after granting an opportunity of hearing to the respective parties.

Ordered accordingly.

The Additional Sessions Judge, Chandigarh, dealing with the appeal bearing No.CRA-139-2022 titled as ‘Sandeep Shonik Vs. Pooja Bakshi’ is directed to adjudicate the said appeal expeditiously and without any unnecessary adjournment.

September 20, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No