

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(130)

CR-5251-2024

Date of Decision: - 11.09.2024

Swarna Rani @ Parul

....Petitioner

Versus

Reena Goswami and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Bhupinder Ghai, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside of complaint case bearing No.COMA/72/2022 dated 04.05.2022, under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-1).

2. Learned counsel for the petitioner has submitted that in view of the judgment dated 24.04.2023 titled as “**Jaspal Kaur @ Pinki and others Vs. State of Punjab and another**”, passed in **CRM-M-19553-2023** by the Coordinate Bench of this Court, the present revision petition is being filed under Article 227 of the Constitution of India.

3. Para 10 of the said judgment is reproduced hereinbelow:-

“10. This Court has observed that everyday petitions are filed before this Court under Section 482 Cr.P.C. assailing petition filed under Section 12 and notice under Section 13 of DV Act. It has further been noticed that parties are filing revision petition under Section 397/401 Cr.P.C. against order passed

by Appellate Court under Section 29 of DV Act. In view of judgments of Hon'ble Supreme Court, Full Bench of Madras High Court and with intent to minimise litigation especially against distant and sundry relatives, before parting with this judgment, this Courts finds it appropriate to issue following directions to Magistrates posted within the jurisdiction of this Court:

- (i) In case of petition under Section 12 of DV Act, all the respondents may not be mechanically issued notice under Section 13 of DV Act. Notice at the first instance may not be issued to distant relatives. The Magistrate is expected to apply his mind qua distant and sundry relatives of the respondents arrayed by aggrieved person.*
- (ii) The presence of respondents may not be required where respondents are represented through counsel;*
- (iii) In case application is filed by the respondents on the ground of jurisdiction or maintainability or deletion from array of respondents, the Magistrate is expected to pass an appropriate order;*
- (iv) In case an application is filed seeking alteration, modification or revocation of order passed under the Act, the Magistrate in terms of Section 25 of DV Act is expected to pass an order, if parties are able to show change of circumstances.”*

4. A perusal of the above para would show that in clause (iii), the Coordinate Bench had stated that in case application is filed by respondents (in the complaint) on the ground of lack of jurisdiction or maintainability or deletion from the array of respondents then the Magistrate is expected to pass an appropriate order.

5. Learned counsel for the petitioner has submitted that in view of the same, he be permitted to withdraw the present revision petition

with liberty to the petitioner to file an application in accordance with para 10(iii) of the abovesaid judgment passed by the Coordinate Bench of this Court.

6. In view of the above, the present revision petition is dismissed as withdrawn with liberty aforesaid.

September 11, 2024
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No