

17.02.2025.

18.

Ct.No.28.

as

C.R.R. 3833 of 2024

***In Re:- An application under Section 528 of the
Bharatiya Nagarik Suraksha Sanhita, 2023.***

In the matter of : ***Tanmoy Adak & Ors.***

.... Petitioners.

Mr. Tapan Dutta Gupta,

Mr. Sayantan Hazra.

...for the Petitioners.

1. Petitioners are the in-laws of the opposite party No.1- wife. They pray for quashing of proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The principal ground on which the proceeding has been sought to be quashed is that the matrimonial tie has been dissolved by a decree of divorce passed in Matrimonial Suit No.71 of 2021.
2. I am not impressed by such submission. The word 'aggrieved person' under the Protection of Women from Domestic Violence Act, 2005 includes a person who is or was in a domestic relationship with the respondents. Dissolution of the marriage would not be a ground to disentitle the opposite party no.1 from the benefits of the Act.
3. I have also gone through the allegations in the petition. The petition, *inter alia*, shows opposite party no.1 was subjected to mental and physical abuse by the petitioners as well as her husband. She was also subjected economic abuse and no maintenance given to her.
4. Under such circumstances, husband was directed to pay interim monetary relief to the tune of Rs.2,000/- per month.

The said amount has also not been paid. Execution proceedings are pending.

5. In light of the aforesaid circumstances, I am loath to interfere with the impugned proceedings. It is open to the petitioners to agitate their grievances before the learned Magistrate in accordance with law.

6. With this observation, the revision petition is disposed of.

7. Urgent Photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)