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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-699-2025

Date of Decision:- 10.01.2025

Parmilla and another

...Petitioners

Versus

Sandeep Kumar and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Naveen Siwach, Advocate
for the petitioners.

AMARJOT BHATTI, J.(Oral)

Petitioners Parmilla and Lavi have filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of impugned order dated 02.01.2025 (Annexure P-8) passed by learned Sub Divisional Judicial Magistrate, Siwani, District Bhiwani whereby evidence of petitioners/complainants has been closed by order in Complaint No. COMA-124-2019, titled "Parmila Versus Sandeep and others" filed under Protection of Women from Domestic Violence Act, 2005.

2. Learned counsel for petitioners conceded that petitioners were granted opportunity to lead their evidence. However, on account of non-payment of maintenance, as per instructions of learned counsel for petitioners/complainant, her statement was not recorded. Learned counsel for petitioners submitted that one opportunity may be granted to record statement of petitioner/complainant Parmilla.

3. I have considered the arguments and have gone through the record. No purpose would be served by giving notice to respondents. Copy



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of application under Section 12 of Protection of Women from Domestic Violence Act, 2005, Form II is Annexure P-1. In this petition, Parmilla and her minor daughter were granted *interim* maintenance vide order dated 23.02.2022 (Annexure P-2). Learned counsel for petitioners has annexed *zimni* orders, Annexures P-4 to P-8, according to which petitioners were granted opportunity for recording of evidence and it was also fixed for making payment of maintenance. Petitioner Parmilla did not step into witness box despite given opportunities. Ultimately, learned Sub Divisional Judicial Magistrate, Siwani was compelled to pass impugned order dated 02.01.2025. At the same time, it cannot be ignored that present petitioners are pursuing their case for domestic violence act, being aggrieved of respondents. Therefore, it is appropriate that case is decided on merits. Taking lenient view, learned trial Court is directed to give one effective opportunity to petitioners to conclude their evidence, subject to payment of cost of Rs.10,000/- to be deposited before District Legal Services Authority, Bhiwani.

With this observation, present petition stands disposed of.

4. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

10.01.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No