



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRR-729-2017(O&M)
Reserved on : 21.07.2025
Pronounced on: 18.08.2025

PAPPU RAM

..... Petitioner

VERSUS

NISHA RANI

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ram Kumar Saini, Advocate
for the petitioner.

Mr. Gaurav Singla, Advocate
for the complainant.

KIRTI SINGH, J.

The present petition has been filed seeking setting aside of the impugned orders dated 12.08.2016 and 17.01.2017, whereby the application of respondent was allowed, directing the petitioner to pay a lump-sum amount of Rs.30,000/- and to provide separate accommodation to respondent, failing which the petitioner was directed to pay Rs.3,000/- per month towards rent for such accommodation.

2. Brief background leading to the filing of the present petition is that a complaint was filed by the respondent under Section 12 of the DV Act against the petitioner, stating therein that a huge amount of around Rs.4 lakhs was spent by her father on her marriage with the petitioner, which was solemnized on 02.12.2009 according to Hindu rites and ceremonies. However, the respondent, soon after her marriage, was subjected to cruelty, including beatings, and harassment for the demand of dowry by the petitioner. A demand of Rs.70,000/- for purchase of a motorcycle was also



raised by the petitioner. On 09.03.2011, the respondent was allegedly turned out of her matrimonial home, but was taken back after the intervention of the Panchayat. Despite the assurance that the respondent would not be mistreated, she was again harassed for dowry and turned out of the matrimonial home, yet again, on 05.03.2012. It was thereafter, that the respondent moved the instant complaint, whereinunder the learned Judicial Magistrate Ist Class, vide order dated 12.08.2016, directed the petitioner to pay a lump sum amount of Rs.30,000/- as monetary relief along with interest at the rate 6% per annum from the date of filing of petition till the actual realization of the amount. In addition, the respondent was also directed to provide separate residential accommodation to the petitioner, or in lieu Rs.3,000/- per month as payment of rent allowance. It was made clear therein that the said amount of Rs.3,000/- would also include the monthly maintenance amount, and that any maintenance granted under any other statutory provision would be adjusted against this amount. An appeal against the order dated 12.08.2016 was preferred by the petitioner, which was dismissed by the learned Additional Sessions Judge, Ambala, vide judgment dated 17.01.2017. Aggrieved by the same, the petitioner has approached this Court by way of the present petition.

3. Learned counsel for the petitioner, as his preliminary contention, submitted that the respondent failed to prove the case of domestic violence against the petitioner. It is submitted that except for the bald statement of the respondent, there is no evidence on record that would even remotely suggest that respondent was subjected to domestic violence. In fact it was the case of the respondent that Panchayats were convened to resolve the disputes *inter se* the parties, however, for reasons best known, no



witness from the said panchayats was made a party to the petition. The report of the Protection Officer can also not be read as evidence, but is only in the nature of corroborating proof, yet the learned Courts have relied heavily upon the same. It is the further submission of the learned counsel that the respondent had even filed a complaint against the petitioner and his mother by levelling similar allegations, which was dismissed and the petitioner and his mother were acquitted vide judgment dated 21.11.2016. It is pointed out that the complainant herself had stated therein that she never wanted to file the case under Section 498-A IPC. It is contented that impugned orders have been passed by also overlooking the material fact that the petitioner is 70% disabled and is earning a meagre sum of Rs.4000/- per month. Even the parents of the petitioner are dependent on him for their maintenance. On the other hand, the respondent does the work of sewing clothes, and is earning upto Rs.10,000/- per month from the same. The learned Courts below have also failed to take into account that respondent is already receiving maintenance under Section 125 Cr.P.C. Therefore, the impugned orders deserve to be set aside.

4. Per contra, learned counsel for the respondent has vehemently argued that the case of domestic violence against the petitioner was duly proved by the testimonies of the respondent and her father, duly corroborated by the report of the Protection Officer, wherein it was stated that there had been specific acts of domestic violence with the respondent. It was thereafter that the learned Court, after assessing the financial capacity and standard of living of both the parties, directed the petitioner to pay the lump sum monetary relief of Rs.30,000/-, and the amount of Rs.3000/- per month as rent/maintenance to the respondent. It is further pointed out that



even the Appellate Court did not find merits in the submissions of the petitioner made before it, and upheld the order dated 12.08.2016. It is submitted that there is no illegality or infirmity in the impugned order, and that the respondent has not even been receiving the maintenance as directed. Hence, the present petition be dismissed and the impugned orders be upheld.

5. Heard the rival contentions made by the learned counsels for the parties and have also pursued the records with their able assistance.

6. Vide order dated 12.05.2025, passed by this Court, the parties were directed to appear before the Mediation and Conciliation Centre of this Court on 19.05.2025 to explore the possibility of an amicable resolution to the dispute. However, as per the report of the Mediation and Conciliation Centre, the matter could not be settled.

7. The purpose of enacting the Act of 2005 was to acknowledge the widespread phenomena of domestic violence, which though intricately weaved in the social fabric of the society, remained unaddressed and overlooked at large. To deal with this social evil, the legislation in its wisdom passed this legal framework, providing remedy to the victims of domestic violence and safeguarding them with reliefs, be it in the form of protection, right to shared household and monetary relief, among other reliefs.

8. Before proceeding further, it would be relevant to refer to the extract of the relevant provisions containing the definitions of 'aggrieved person' and 'domestic violence'. The bare language of the provisions reads thus-

“Section 2(a) - 'aggrieved person' means any woman who is, or has been, in a domestic relationship with the respondent and who



alleges to have been subjected to any act of domestic violence by the respondent.

3. Definition of domestic violence.—*For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—*

- (a) **harms or injures or endangers** the health, safety, life, limb or **well-being, whether mental or physical**, of the aggrieved person or tends to do so and includes causing **physical abuse, sexual abuse, verbal and emotional abuse and economic abuse**; or*
- (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or*
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or*
- (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.*

Explanation I.—For the purposes of this section,—

- (i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;*
- (ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;*
- (iii) “verbal and emotional abuse” includes—*
 - (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and*
 - (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested;*
- (iv) “economic abuse” includes—*



(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, house hold necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared house hold and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.”

9. Section 20 of the Act of 2005 deals with the monetary reliefs as under-

‘20. Monetary reliefs.—

(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as



a result of the domestic violence and such relief may include, but not limited to,—

- (a) the loss of earnings;*
 - (b) the medical expenses;*
 - (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and*
 - (d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.*
- (2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.*
- (3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.*
- (4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in charge of the police station within the local limits of whose jurisdiction the respondent resides.*
- (5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).*
- (6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.”*

10. At this juncture, a gainful reference can also be made to the observations of the Bombay High Court made in the case of ***Kaushal Arvind Thakker v. Jyoti Kaushal Thakker AIR BomR(Cri) 199***, which read thus:



*“73. In the cross examination all that is sought to be brought on record is that there are no police complaints and no medical record. In cases of **domestic violence**, it is not necessary that the acts complained of are required to be substantiated by documentary evidence in form of medical records or police reports. It is well known that as the marriage is subsisting, more often than not there is no police complaint filed and the physical abuse may not be to such an extent so as to require hospitalization, in which case the medical record would substantiate the abuse. It needs to be noted that although the provisions of Cr.P.C govern the proceedings, the remedies are civil remedies and the usual **standard of proof** beyond reasonable doubt applicable to criminal offence is not required to be applied. Considering that even verbal or emotional abuse constitutes **domestic violence**, the deposition of respondent no.1 establishes that apart from the physical abuse there was emotional and verbal abuse at the hands of the Applicant. It is well known that abuse in a matrimonial relationship usually occurs within four walls of the house and is confined to the two parties. It is very rarely that such incidents occur in presence of eye witnesses and the evidence has to be accordingly assessed. **I do not find any** infirmity in the findings of the Courts which have rightly appreciated the evidence to come to a finding of **domestic violence** .*

*74. Reliance has rightly been placed by the Respondent No 1 in decision of this Court in **Aruna Omprakash Shukla v. Omprakash Devanand Shukla (2021 SCC Online Bom 1292)**, where it was held that in cases of **domestic violence**, it is often found that the wife does not immediately rush to the police when inflicted with physical, mental, physiological and economic abuse and even if such person suffers injuries they would not necessarily keep medical records of the same.”*

11. Similar was the view taken by the Himachal Pradesh High Court in the case of **Jagat Ram v. Twarku Devi, CMPMO No. 454 of 2023. decided on 04.11.2023**, wherein it was held that:

“10. Admittedly, there are allegations and counter allegations of maltreatment. The husband is legally bound to maintain the wife. He is also bound to provide the wife with decent and honourable means of living. The longstanding strained relations between the husband and wife have been established on record by way of allegations and counter allegations made by the husband and wife. The husband has not been able to establish any such conduct on the part of the wife, which may disentitle her to the relief(s) under the Act.



11. Keeping in view the aim and object of the Act, also the status held by her, it will be inappropriate to expect strict **proof** of the allegations by the wife. The **standard** of **proof** required in proceedings under the Act is that of preponderance of probabilities.

12. It has also been established on record that the wife has been getting Rs. 1000/- per month as maintenance from husband under the orders of the Court in proceedings under Section 125 of the Cr.P.C. That being so, the willful neglect of wife by husband is otherwise proved, which not only amounts to economic abuse but also generates of physical and emotional abuse.”

12. Pertinently, the contention that an application under Section 12 of Domestic Violence Act is not maintainable after acquittal of petitioner under Section 498A IPC, was also considered and thereafter dismissed by a Co-ordinate Bench of this Court in the case of **Hardeep Khan Vs. Rano** bearing No.**CRM-M-44742 of 2021, decided on 20.12.2022**, by holding thus:

“Point II

Secondly, the learned counsel for the petitioner has also questioned the maintainability of the application filed by Rano under Section 12 of the Protection of Women from Domestic Violence Act, 2005 on the ground that he was acquitted under Section 498A IPC vide judgment dated 21.07.2017 (Annexure P-7) and he also pointed out that he is making payment of maintenance granted in favour of his wife and son under Section 125 Cr.P.C. Therefore, the application filed by Rano under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is not maintainable.

I have considered the stand taken by learned counsel for the petitioner. Admittedly, after marriage of Hardeep Khan with Rano on 06.01.2002 marital dispute started and ultimately, Rano along with her minor son came out of the matrimonial home on 20.04.2009. In the application filed by the applicant, Rano under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-1), she has narrated about the incident dated 20.04.2009 when she was turned out of the matrimonial home. The petitioner was acquitted under Section 498A IPC which is a criminal case and it is to be proved by the prosecution beyond the shadows of reasonable doubt. The Court is to follow the procedure as prescribed under Cr.P.C. as well as Evidence Act. On the other hand, the application under Protection of Women from Domestic Violence Act, 2005 is of different



*nature. The intent of Legislature is to provide protection to a lady who is suffering domestic violence in the hands of her husband or any member of matrimonial home. The applicant can claim various reliefs by filing this complaint like maintenance allowance, rent for separate accommodation, damages and compensation etc. Therefore, more or less by filing application under Section 12 of the Domestic Violence Act, the aggrieved person can get various reliefs by filing one application. Rano respondent/applicant is still legally wedded wife of the petitioner, Hardeep Khan and she is looking after her son alone. Therefore, it cannot be said that once the petitioner was acquitted under Section 498A IPC that will create a bar for his wife Rano to seek relief under the provisions of Protection of Women from Domestic Violence Act, 2005. On this point, there is authority of a Coordinate Bench cited in 2014 RCR Criminal 942, case titled as “**Geeta Kappor and another Vs. State of Haryana and another**” wherein it was reiterated that the proceedings under Section 12 of Domestic Violence Act, 2005 and the proceedings under Section 498A of Indian Penal Code are separate and different in nature. Therefore, arguments advanced by learned counsel for the petitioner, challenging the maintainability of application under Section 12 of Domestic Violence Act, filed by Smt. Rano against the petitioner does not hold any ground. So far as payment of maintenance under Section 125 Cr.P.C. or other application under Section 127 Cr.P.C. will not effect the application filed under Section 12 of the Domestic Violence Act, 2005 as the respondent can claim maintenance under the one case subject to adjustment of maintenance already paid by him.”*

13. Reverting to the case in hand, the point of marriage, which was solemnized in 2009, is not disputed. Admittedly the parties resided together in the matrimonial home till 2012, and the respondent has since been residing at her parental home. Therefore, the factum of parties having lived together in a domestic relationship is established. After recording their observations to this effect, the trial Court as also the learned Appellate Court proceeded to adjudicate qua the aspect of domestic violence, which as per both Courts, stood proved against the petitioner herein. This conclusion with respect to the physical, mental and economic abuse of the wife was arrived at by taking into account the testimonies of the respondent-wife and her



father, which stood duly corroborated by the report of the Protection Officer, wherein it was stated that there had been specific acts of domestic violence with the wife. It is an unstated truth that the acts of domestic violence, more often than not, are carried out within four walls, thereby making it extremely difficult for the victims to prove the acts that they were subjected to. It is therefore that in such cases, the standard of proof required is not as stringent. Trite to say that the Courts are required to read between the lines, and after the preponderance of all possibilities, determine whether or not the allegations so made contain any substance or not. Further, the relief to be granted to the wife was decided after taking into account the entire circumstances, including the factum of disability of the husband. Qua the submission that the wife had been awarded a sum of Rs.1500/- per month as maintenance under Section 125 Cr.P.C., it can be seen that in the order dated 12.08.2016, it was specifically recorded that maintenance granted to the wife under any statutory provision was to be adjusted against the sum of Rs.3000/- awarded under the DV proceedings. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned orders dated 12.08.2016 and 17.01.2017, which would warrant any interference by this Court.

14. Accordingly, the present petition is dismissed being bereft of any merit.

15. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

18.08.2025

Kavita

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No