



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

**CWP-PIL-164 of 2024
Date of decision: 04.09.2025**

SHARMILA SHARMA

....Petitioner

V/S

UNION OF INDIA AND OTHERS

... Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY, JUDGE**

Present:- Ms. Sharmila Sharma, Advocate, Petitioner-in-Person.
Mr. Satya Pal Jain, Addl. Solicitor General of India with
Ms. Shreyansi Verma, Central Govt. Counsel
for respondent-UOI.
Mr. Abhinav Sood, Addl. Standing Counsel
for respondent no.5/U.T. Chandigarh.
Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab
(through V.C)
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present petition has been filed as a Public Interest Litigation, raising an alleged public cause of absence of any effective mechanism under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'The Act of 2005') for execution of orders passed by the Competent Authority under the Act of 2005.
2. We have perused the scheme, object and text of the Act of 2005 and find that Section 9(1)(h) provides for ensuring the monetary relief granted u/s 20, to reach the relief-seeker on an application moved u/s 12, by way of mechanism of execution of adopting the procedure contained in Section 128 of the Code of



Criminal Procedure, 1973 (corresponding to Section 147 of Bharatiya Nagarik Suraksha Sanhita, 2023).

3. From the bare perusal of Section 128 of the Code of Criminal Procedure, which is part and parcel of Chapter IX, relating to maintenance of wife, children and parents, reveals thus:-

Section 128-Enforcement of order of maintenance-

“A copy of the order of [maintenance or interim maintenance and expenses of proceeding, as the case may be] shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to [whom the allowance for the interim maintenance and expenses of proceeding, as the case may be] is to be paid and such order may be enforced by any Magistrate in any place where person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the [allowance or as the case may be expenses, due.]”

4. From the aforesaid provisions, it is obvious that an order passed under Sections 12 and 20 of the Act of 2005, which provides for enforcement of the order by the Magistrate at any place where the person against whom the order is made after satisfying the identity of the parties and the factum of non-payment of monetary relief.

5. Further, Chapter XXXII of the Code of Criminal Procedure, 1973 comprising Sections 421 to 435 [Corresponding to Sections to 461 to 477 of BNSS] provides a detailed procedure for levy and recovery of fine and also general provisions regarding execution including money ordered to be paid, recoverable as fine.



6. In view of the above, it is clear that an effective, robust and expeditious statutory mechanism is already available in the said enactments for execution of orders passed under Section 12 and 20 of the Act of 2005, and, therefore, the prayer made by the petitioner in the present petition is untenable.

7. Accordingly, the present petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

04.09.2025

Kamal Gandhi

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