

(2010) 11 P&H CK 0564

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Rev. No. 3131 of 2010

Yadvinder Singh and Others

APPELLANT

Vs

Smt. Manjeet Kaur

RESPONDENT

Date of Decision: Nov. 26, 2010

Acts Referred:

- Protection of Women From Domestic Violence Act, 2005 - Section 12, 18, 19, 2, 20

Hon'ble Judges: Nirmaljit Kaur, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Nirmaljit Kaur, J.

This is a revision petition against the order dated 09.10.2010 passed by Additional Sessions Judge, Jind.

2. The complainant filed complaint u/s 12 of the Protection of Women from Domestic Violence Act, 2005. The Sub Divisional Judicial Magistrate, Safidon (Jind) dismissed the complaint vide Order dated 12.08.2009. Accordingly, the Respondent-complainant filed an appeal before the Additional Sessions Judge, Jind. The Additional Sessions Judge, Jind, vide his order dated 09.10.2010 set aside the order of the trial Court and accepted the complaint. While accepting the complaint, the only relief granted was as under:

1. Protection order is passed in favour of Petitioner u/s 18 of the Act and Respondent No. 1 is prohibited from committing any Act of domestic violence towards his wife.
2. Respondent No. 1 is directed to provide one room with attached bathroom and kitchen for the Petitioner in the matrimonial home u/s 19 of the Act or to pay a sum of Rs. 2500/- as the monthly rent w.e.f the date of filing the complaint so that she may take the private accommodation on rent as per her convenience.

3. The Respondent No. 1 is also directed to pay a sum of Rs. 5000/- per month for the Petitioner and his son for their maintenance expenses u/s 20 of the Act w.e.f the date of filing of the complaint.

4. The Respondent No. 1 is further directed to pay a sum of Rs. 10,000/- to the Petitioner u/s 2 of the Act as compensation and damages for the injuries including mental torture and emotional distress caused by the acts domestic violence committed by Respondent No. 1.

3. While challenging the above order, learned Counsel for the Petitioners submitted that there was no evidence. The only evidence was of the complainant herself, her mother and the Protection Officer. It was further stated that the Respondent was not able to disclose any date, month or year with regard to when the dispute took place and that she had admitted that she was staying alone in her matrimonial home and the allegation of giving maltreatment or causing physical or mental torture to the Respondent at the hands of Petitioners No. 2 and 3, does not arise.

4. Heard.

5. There is no merit in the argument raised by learned Counsel for the Petitioners. The evidence of the Protection Officer is an important piece of evidence. It is an unbiased evidence, wherein, he has stated that the complainant was being deprived of from the basic necessities of life and that she was a victim of domestic violence at the hands of the Petitioners. The girl herself has stated that the Petitioner No. 1 is an alcoholic. On one occasion i.e in the month of September, 2008, the neighbours came to rescue her from the clutches of Petitioner No. 1 and he had turned her out of her matrimonial home without any reasonable cause. Her only prayer was for protection under Sections 18-23 of the Protection of Women from Domestic Violence Act, 2005, for which, the relief has been provided, as mentioned above. The relief that is granted is only to ensure that the complainant-wife of Petitioner No. 1 is able to get the basic necessities of life which is in any case is the duty of the Petitioner to provide. Thus, he could not have any grievance against the relief granting i.e. 2500/- as monthly rent or provide one room with attached bathroom and kitchen so that she may get roof over her head and Rs. 5000/- as maintenance expenses for her and her son.

6. No fault can be found with the well reasoned order dated 09.10.2010 passed by the Additional Sessions Judge, Jind granting the above relief.

7. Dismissed.