ITEM NO.29 COURT NO.16 SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL)..... Diary No(s).34053/2019

(Arising out of impugned final judgment and order dated 16-09-2016 in CRLR No.609/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

KAMLESH DEVI Petitioner(s)

VERSUS

JAIPAL & ORS. Respondent(s)
(With appln.(s) for c/delay in filing SLP & exemption from filing O.T.)

Date : 04-10-2019 This petition was called on for hearing today.

CORAM :
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Anurag Pandey,AOR
Ms. Reena Pandey,Adv.
Ms. Pushpa Kishore,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

This special leave petition is directed against an order dated 16th September, 2016 passed by the High Court of Punjab & Haryana at Chandigarh, dismissing Criminal Revision No.609/2015, filed by the petitioner under Section 401 of the Criminal Procedure Code.

Signature Not Verified
Digitally signed by SARITA PUROHIT
Date: 2019.10.05 12:43:43 IST
Reason:

By a judgment dated 22nd October, 2012 the Judicial Magistrate (First Class) dismissed a complaint filed by the

petitioner under the provisions of the Protection of Women from Domestic Violence Act, 2005.

An appeal filed by the petitioner against the said judgment and order has been dismissed. The revisional application filed by the petitioner under Section 401 of the Criminal Procedure Code for quashing the appellate order of the Sessions Judge and the judgment and order of the Judicial Magistrate (First Class) has been dismissed by the order impugned in the special leave petition.

The High Court has rightly found in effect that the ingredients of domestic violence are wholly absent in this case. The petitioner and the respondents are not persons living together in a shared household. There is a vague allegation that the respondents are family members. There is not a whisper of the respondents with the petitioner. They appear to be neighbours.

The special leave petition is dismissed. Pending applications shall stand disposed of.

(Beena Jolly)
Branch Officer

(Sarita Purohit)
AR-cum-PS