

**IN THE COURT OF NEHA SHARMA,
CHIEF JUDICIAL MAGISTRATE, DISTRICT UNA, HP.**

Case Type	Application u/S 12 of DV Act
Registration No.	57/2018
Case Year	2018
CNR No.	HPUN020085572018
Date of filing	21.06.2018
Date of Decision	07.07.2026

1. Smt. Anuradha w/o Rajeshwar, r/o House No. 703/3, Bahadurgarh, Tehsil & District Jhajhar, Haryana at present residing with her father Shri Brij Lal at Village Ambe Da Behra, Tehsil Bangana, District Una, H.P.
2. Ishan minor son of Rajeshwar, r/o House No. 703/3, Bahadurgarh, Tehsil & Distt. Jhajhar, Haryana, at present residing with his mother Smt. Anuradha at Village Ambe Da Behra, Tehsil Bangana, District Una, H.P.
(applicant no. 2 being minor sued through his mother
applicant no. 1 being his mother/natural guardian)
...Petitioners

Versus

1. Rajeshwar son of Shri Purshotam Chand, 2. Veena Devi w/o Shri Purshotam Chand, both r/o House No. 703/3, Bahadurgarh, Tehsil & District Jhajhar, Haryana
...Respondents

**PETITION FOR THE PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT 2005**

For Petitioner	Sh. M.K. Sharma, Ld. Advocate.
Respondents proceeded against ex-parte	

JUDGMENT

1. In the present case petitioner has filed the present complaint under the Domestic Violence for Protection of Women from Domestic Violence Act, 2005 stating that the marriage between the applicant no. 1 and respondent no. 1 was solemnized on 04.07.2009 in Village Ambe Da Behra, Tehsil Bangana, District Una, HP according to Hindu rites and customs and out of the wedlock of the applicant no. 1 and respondent no. 1, one son namely Ishan (applicant no. 2) born on 04/09/2011 who is alive and living under the care, custody and guardianship of the applicant no. 1. The applicant no. 2 is Anganwari going kid, his monthly expenses is Rs. 5000/-. it is averred that the applicant no. 1 for their accommodation has been forced to hire a one room set on rental basis costing Rs. 5000/- per month towards rent charges and other expenses including rationing, domestic needs, medications and misc. expenditure is to the tune of Rs. 20,000/- per month. It is averred that the respondent no. 1 is the husband of the applicant no. 1 and respondent no. 2 is the mother-law of the applicant no. 1. Both the respondents live in a joint shared house-hold being members of a joint family. The respondent no. 1 being husband is legally, morally, economically duty bound to make payment of the maintenance, while respondent no. 2 is morally and socially bound to maintain cordial relations with the applicants and no dowry articles were given at the time of marriage as the respondents before marriage stated that they need the gifts

in the form of cash only. The respondents in connivance and collusion with each other committed the domestic violence with the applicant no. 1, the detailed incidents of domestic violence. It is averred that the respondents treated the applicant no. 1 with soft hands approximately for 3 years but thereafter sudden change in the behaviour of the respondents developed and the respondent no. 1 started torturing the applicant no. 1 on small issues. This created unpleasant atmosphere in the family. The respondent no. 1 hurled abusive language and extending life-threats started compelling the applicant no. 1 to chat with unknown persons on internet, when the applicant no. 1 refused to his illegal demand, then he (the respondent) mercilessly beat the applicant no. 1 on many occasions. For saving her life, when the applicant no. 1 bowed to his illegal demand, he (the respondent no. 1) then started doubting the character and chastity of the applicant no. 1 and on this issue, the respondent no. 1 mercilessly beat the applicant no.1. Several meetings of the brotherhood of the parties were convened to resolve the matter but every time the respondents after apologizing their guilt again started repeating their past maltreatment with the applicant no. 1 and in the night of 17/06/2018, the respondent no. 1 tried to strangle the throat of the applicant no. 1 and gave merciless beatings to the applicant no. 1. Finding no way out, on 18/6/2018, the applicant no. 1 alongwith the applicant no. 2 caught the bus from Jhajhar and returned to her matrimonial house and since 18.06.2018 the applicants

are residing in the house of father of the applicant no. 1. Now the respondent no. 1 on phone is giving threatening calls to the applicant no. 1 with the warning that in case she reported the matter to anyone, then she and her child will be eliminated, as such the applicants are still apprehending danger to their lives. It is averred that the respondent no. 1 is an able bodied person, he is an Karyana & general goods items shopkeeper. In all his monthly income from all sources is Rs. 70,000/- but the respondent no. 1 inspite of being an able bodied person has not made any provision for the maintenance and support of the applicants. The applicants have no source of income sufficient to survive and maintain themselves. Thus, prayed that the present petition be allowed.

2. In reply, it is stated that the respondents never commit domestic violence with the applicant. The applicant is living in her parental home. The parties lived in the house of the father of the respondent No. 1 and husband of the respondent No. 2. The applicant No.1 left her matrimonial home without any reason and rhyme and she dislikes the respondent No.1 and his parents and wanted to join her parents and lead matriarch form of life, which was not liked by the respondents. The applicant No.1 many a time forced the respondent No.1 to set up a separate family unit from her parents. It is further averred that the respondent No. 1 being the elder son does not want to set up a separate family unit, because the old mother of the respondent No.1 i.e. respondent No.2 is suffering from joint pain and heart

ailments. The applicant or his parents never paid any amount of Rs.1,00,000/- to the respondent No. 1 and his family. The respondents never committed any domestic violence with the applicant No. 1. The behavior of the respondent always remained cordial with the applicants. The applicant No.1 asked the respondent to hand over the large share of his earning to her father as he has no source of income. Many times the respondent No.1 extended financial help to the father of the applicant No 1 disturbing his own financial budget and earning. The respondents never tortured the applicant No.1 by hurling abusive language and extending life threats to applicant No.1 to chat with the unknown persons on internet as alleged. The respondent No. I never beaten up the applicant No. 1. The fact of the matter is that the respondent No. I caught the applicant No. 1 taking with some persons and also her chatting on Whatsapp with some persons and succeeded to record and collected the same and when asked by the respondent No. I from the applicant No.1 in this regard then she started threatening the respondents to indulge them in false cases. The respondent No.1 never apology to his guilt as alleged in the application. The applicant No.1 always kept peacefully in her matrimonial home by the respondent. The applicant always said that she does not like the respondent No. 1 and does not want to live with him and desist the respondent No. 1 for divorce or to alienate the plot in her favour and upon denial by the respondent No. 1, she threatened the respondent No. 1 to commit suicide and

thereafter to implicate the respondents in false cases. The respondent No. 1 never gave beating on 18.06.2018 to the applicant No. 1 in her matrimonial home as alleged. The applicant No.1 also made false application for demand of dowry against the respondents. Hence, prayed that the petition be dismissed.

3. In order to seek brevity in the present case following issues are framed.

1. Whether the petitioner/applicant has been treated with acts of domestic violence by the respondents, as prayed? OPP
2. Whether the petitioner is entitled to the protection order against the respondents under Section 18 of the Domestic Violence Act, as prayed? OPP
3. Whether the petitioner is entitled to the residence order u/s 19 of the Domestic Violence Act restraining the respondents from dispossessing her from the house, as prayed? OPP
4. Whether the petitioner is entitled to the monetary relief u/s 20 of the Domestic Violence Act, as prayed? OPP
5. Whether the petitioner is entitled to the compensation u/s 22 of the Domestic Violence Act from the respondents, as prayed on account of mental torture and emotional distress caused to her due to illegal

acts of respondents, as prayed?
OPP

6. Final Order.

4. I have heard Ld. Counsels for the parties and carefully perused the record.

5. For the reasons to be recorded herein after, while discussing the aforesaid points for determination, my findings thereon are as under:-

Point No.1	:	Yes.
Point No.2	:	Yes.
Point No.3	:	Yes.
Point No.4	:	Yes.
Point No.5	:	Yes.
Relief	:	The petition is <u>allowed</u> as per operative portion of this judgment.

EVIDENCE ON RECORD

6. PW-1 Anuradha tendered her affidavit Ext.PW-1/A wherein she reiterated the averments so made in the complaint. In cross-examination she stated that her marriage was arrange marriage and both the parties made expenditure. She stated that she does not know how much expenditure was made in the marriage. She stated that she brought her child to in-laws when her child was of 7 years of age. He stated that she mentioned in the complaint that she requires Rs.20,000/- as the expenses for her and her child. She stated that her husband helped her to learn beauty parlour. She stated that after coming from her in-laws house. She is residing in her parental house. She admitted

that she is residing in a rented accommodation. She stated that she has not prepared any rent agreement regarding residing as a tenant. She stated that on 17.06.2018 she was given beatings and she registered the same in PP Jol. She admitted that the beatings took place in the in-laws house, but she never told any neighbour regarding the same. She stated that after 3 years of marriage her husband was fine but problem started thereafter. She stated that she never went to the Doctor and got her MLC conducted. She stated that she got her medical while she was in her parental house. She stated that she opened beauty parlour in her in-laws house. She stated that she does not know her husband filed a case of HMA in Jhajar. She admitted that the entire expenses of the delivery was also given by her in-laws. She admitted that the list of property dowry articles belongs to her on 18th June, 2018, she was coming from her in-laws and on 01.06.2018 she told her father. She stated that she has also filed one case under Section 498-A. She stated that after 2018 was never went to her in-laws house. She stated that she does not know Pardhan etc of the village. She stated that she use to earn Rs.40,000/- to Rs.50,000/- in the beauty parlour. She stated that she can do beauty parlour work even today. She stated that she does not filed IT return, self stated that she use to pay the entire amount to her mother-in-law.

7. PW-3 Smt. Meera Devi also appeared in the witness box and tendered her affidavit Ext.PW-3/A. In cross-examination she stated that she has come on the

request of her sister to give the statement. She admitted that her sister sent to photographs regarding beatings to her on mobile. She admitted that her father gave Rs.1,00,000/- in her sister marriage alongwith one gold ring to her father-in-law and mother-in-law and other dowry articles. She stated that on 18th her sister came to the house that she is doing beauty parlour, self stated that her brother-in-law is working in a teashop.

REASONS FOR FINDINGS

Points No.1 to 5

8. In the present case, the complainant has leveled the allegations of commission of Domestic Violence Act against her on the ground that marriage was solemnized on 04.07.2009 with the respondent no.1 however out of the wedlock one child namely Ishan was born on 04.09.2011 and although he is an *angadbadi* kid but his expenses are Rs.5,000/- per month. She stated that the respondent causing acts of domestic violence on the demand of dowry and hurled abusive language and left the house of the respondent no.1 as he use to beat her and also started doubting the character and chastity and also mercilessly gave beatings to her which caused her mental and emotional torture. It is further averred that respondent no.2 took all the articles from complainant but on 17.06.2018 respondent no.1 tried to strangulate the throat of applicant no.1 and on 18.06.2018 she got a bus from Jhajar and return to her matrimonial house and resides therein. It is also pertinent to mention that this incident has also been

stated by the complainant in her examination-in-chief even in her cross-examination she has mentioned that while on 17.06.2018 she was given beatings in her in-laws house and she came back to her parental house although she never reported the same to any neighbour and neither she conducted MLC no doubt even if the MLC was not conducted report was not filed still it is not proved that no act of domestic violence was committed against her. However, even her sister who has appeared as PW-3, self stated that the acts of domestic violence committed by the respondent and also in her cross-examination she has stated that the family of the respondent was given enough dowry it is pertinent to mention that no suggestion was put by the counsel for the respondent regarding the beatings given on 17.06.2018 and a suggestion regarding general incident was asked. While, the entire incident is based upon the beatings given on 17.06.2018, no suggestion was put by the defence regarding the facts that she was not subjected to any physical and mental violence by the respondent thus it appears to be admitted on the part of the respondent. Most importantly, also when the respondents have failed to appear before the court and chose to proceed against ex-parte, although, reply has been filed but surprisingly all the allegations have been stated to be wrong and denied and no clarification has been stated.

It is pertinent to mention that the Complainant has specifically stated regarding the acts of domestic violence so it means that she did not leave her house

without any rhyme and reason and she asked him to set up a separate family unit because the old mother is suffering from joint pain and other ailments. It is pertinent to mention that despite filing such reply, and doing acts of domestic violence no one has appeared on behalf of the respondent to rebut the allegations of the complainant which have been stated on oath. It proves that the respondents and his family members have committed acts of Domestic Violence. The testimony of PW-1 and PW-3 is enough to prove that the acts of domestic violence were committed against the respondent. Accordingly, the present petition is allowed. Hence, points no.1 to 5 are decided in favour of the applicant and against the respondents.

FINAL ORDER:-

9. As a sequel to my findings on points No. 1 to 5 above, the present petition is allowed. Following orders are hereby passed in favour of the petitioners:-

- (i) The respondent Rajeshwar is hereby directed to pay maintenance allowance to the tune of Rs.5,000/- (Five Thousand Only) per month to the petitioner Anuradha from the date of this order.
- (ii) The respondent Rajeshwar is hereby directed to pay maintenance to the tune of Rs.2,000/- (Two Thousand Only) per month to his son Ishan from the date of this order.
- (iii) The respondent Rajeshwar is hereby directed to pay house rent to the tune of Rs.2,500/- (Two Thousand Only) per month to the petitioner Anuradha from the date of this order or make an arrangement in the matrimonial house

separate to enable the Complainant to lead her life with her child peacefully.

(iv) The respondents are prohibited from committing any acts of the domestic violence against the petitioner.

Petition stands disposed of accordingly. Let copy of this order be supplied to the parties free of cost forthwith. Copy of this order be also sent to the Protection Officer concerned. File after due completion be consigned to records.

Announced and signed in the open court today on this 07th day of July, 2026.

(Neha Sharma)
Chief Judicial Magistrate,
District Una, H.P.

ANNEXURE A & B		
LIST OF WITNESSES		
Sr.No.	Name of witness	Whether the witness is of petitioner or respondent
1.	Smt. Anuradha	Petitioner's witness
2.	Smt. Meera Devi	Petitioner's witness

LIST OF EXHIBITS			
Sr.No.	No. of Exhibit	Date of Exhibit	Description of Document
1.	Ext. PW-1/A	25.02.2023	Affidavit
2.	Ext. PW-2/A	25.02.2023	Affidavit
3.	Ext. PW-3/A	25.02.2023	Affidavit

(Neha Sharma)
Chief Judicial Magistrate,
District Una, H.P.