



CRM-M-22403-2026 (O&M)

2026:PHHC:063432

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

115

CRM-M-22403-2026 (O&M)

Date of decision: 24.04.2026

AMIT AGGARWAL

PETITIONER

VERSUS

POOJA AGGARWAL AND OTHERS

RESPONDENTS

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Manjot Singh Rai, Advocate
for the husband.

Shalini Singh Nagpal, J.

1. Petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.), 2023 has been filed for quashing of order dated 16.03.2026 of learned Additional Sessions Judge, Panchkula in CRA/227/2025 titled "*Amir Aggarwal Vs. Pooja Aggarwal and Others*" vide which appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 challenging order dated 14.07.2025 of learned Judicial Magistrate Ist Class, Panchkula has been dismissed.

2. For clarity and better appreciation, the petitioner and respondent No.1 shall be referred to as husband and wife respectively.

3. Learned counsel for the husband submits that the husband and wife were married 09.07.2005 at Zirakpur. The couple was blessed with two daughters and were residing at House No.1021, Sector-9, Panchkula. The wife filed a complaint under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the Act, 2005") against the husband and others, 20 years after the marriage, on false and frivolous allegations of physical and mental assault. Before that, no complaint of any kind was ever moved. On an application under Section 9 of the Act, 2005 learned Judicial



CRM-M-22403-2026 (O&M)

Magistrate Ist Class, Panchkula called for report of the Protection Officer 2026:PHHC:063432

vide order dated 14.07.2025, directed the husband to shift to some other accommodation. Learned counsel further submits that appeal challenging order dated 14.07.2025 was erroneously dismissed by learned Additional Sessions Judge, Panchkula against the provisions of law. It was urged that the husband had been residing with the respondents in the shared household for as long as 20 years and there was no ground for removal of the husband from the house. There was sufficient space and accommodation for the parties to reside together on the first floor of the house as illustrated by the site plan (Annexure P-14). The Protection Officer did not report that the husband was required to be removed. Proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 were filed by respondents No.4 and 5 against the husband and wife. Even in those proceedings, the authorities directed the parties to reside peacefully. Order dated 14.07.2025 of learned Judicial Magistrate Ist Class, Panchkula and order dated 16.03.2026 of learned Additional Sessions Judge, Panchkula, being beyond the pleadings, against procedural law were liable to be set aside.

4. Heard. The application under Sections 12, 18, 19, 20 and 22 of the Act, 2005 (Annexure P-1) was filed by the wife and two daughters against the husband and his parents, claiming various reliefs including protection orders under Section 18 of the Act, 2005, orders restraining the husband and his parents to forcibly evict them from the shared household House No.1021, Sector-9, Panchkula besides others. An application for *ad interim* relief under Section 23 of the Act, 2005 was filed along with the application. Written statement was filed by the husband contesting the application. On 18.01.2025, learned Judicial Magistrate Ist Class, Panchkula heard the parties and on request of learned counsel for the wife and daughters, restrained the

**CRM-M-22403-2026 (O&M)**

respondents (husband and his parents) from dispossessing the wife and daughters from the shared household forcibly by putting locks over the house where they were residing. On an application under Section 9 of the Act, 2005, on record as Annexure P-5 for implementation of order dated 18.01.2025, learned Judicial Magistrate Ist Class, Panchkula called for the report of the Protection Officer and after providing a hearing, directed the husband to remove himself from the first floor of the shared household, clarifying that the order shall not, in any manner, affect the proceedings pending before the Senior Citizens' Tribunal and could be modified in future as per changing scenario/circumstances.

5. By virtue of the provisions of Section 19(i)(b) read with Section 23 of the Act, 2005, learned Judicial Magistrate Ist Class, Panchkula was well within her powers to pass an order directing the husband to remove himself from the shared household. Undoubtedly, Annexure P-14, map of the first floor shows that there are four rooms along with a common kitchen and a washroom. However, given the apprehension of the aggrieved persons, the wife and daughters of the petitioner, the order passed by learned Judicial Magistrate Ist Class, Panchkula does not appear to be illegal or perverse. It has been noticed by learned Judicial Magistrate Ist Class, Panchkula that the husband and the wife were making each other's life miserable by quarreling over trivial issues and neither the Court nor the Protection Officer could supervise their act and conduct nor it was feasible to shift the wife on the ground floor as parents of the husband had filed an eviction case against their son and his wife. Since, parents of the husband are residing on the ground floor of the shared household and have filed an eviction case against the husband, no order requiring him to live on the ground floor could have been passed. Considering the perceived threat to the safety, security and peace of



the wife and two daughters of tender age, the order passed by learned Judicial Magistrate Ist Class, Panchkula appears to be just and equitable. The husband, in his reply to the application, has himself averred that he was willing to provide alternative accommodation of equal standard and similar capacity to his family and if the wife refused to allow him to live in the alternative accommodation, he would arrange another accommodation for himself. It cannot, therefore, be asserted that the order passed by learned Judicial Magistrate Ist Class, Panchkula is beyond the pleaded case.

6. Learned Appellate Court, Panchkula, while upholding order dated 14.07.2025 has considered the apprehension of the aggrieved persons that in case they move to rented accommodation the husband would stop paying rent for the same. It has been noticed that parents of the husband filed proceedings under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on 16.01.2025, soon after filing of the application on 14.01.2025 which smacked of collusion. There is a specific rider in the order dated 14.07.2025 that the order would not affect the proceedings pending before Senior Citizens' Tribunal and could be modified as per changing scenario/circumstances. Observation of learned Judicial Magistrate Ist Class, Panchkula and of the Appellate authority that conduct of the husband was not conducive to the physical, emotional and mental growth of the aggrieved persons, thus making it expedient to order removal of the husband from the first floor is based on correct appreciation.

7. The Act, 2005 is a welfare legislation enacted to give justice to women and other aggrieved persons suffering from domestic violence and for preventing acts of domestic violence. While exercising jurisdiction under Section 528 BNSS for quashing orders in an application under Section 12 of the Act, 2005, the Courts are required to be slow and circumspect. Interference

**CRM-M-22403-2026 (O&M)**

can be made only when the case reflects clear illegality or gross abuse of process of law. The impugned order dated 14.07.2025 of learned Judicial Magistrate Ist Class, Panchkula and 16.03.2026 of learned Additional Sessions Judge, Panchkula are based on correct marshalling of facts and law and do not warrant interference in the exercise of inherent jurisdiction. The petition is accordingly dismissed.

8. Pending miscellaneous applications, if any, also stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

24.04.2026
HS.CHAUHAN

Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No