



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

**CRM-M-49318-2025 (O&M)  
Date of decision: 04.09.2025**

JOGINDER SINGH AND OTHERS

...Petitioners

versus

ANJU AND ANOTHER

...Respondents

**CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Fateh Saini, Advocate  
for the petitioners.

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**SHALINI SINGH NAGPAL, J. (ORAL)**

Petition under Section 482 Cr.P.C. has been filed praying for quashing of order dated 19.07.2025 of learned Nyayadhikari, Gram Nyayalaya, Ladwa in D.V. Complaint No.21 of 2021 titled as Anju vs. Tarlochan Singh and Others.

Learned Counsel for the petitioners argued that an application was moved before learned Nyayadhikari, Gram Nyayalaya, Ladwa, for deleting the names of petitioners from the array of respondents, in the application under Section 12 of Protection of Women from Domestic Violence Act, 2005, on the ground that petitioners were falsely involved; that they were residing separately before the marriage of respondent Nos.1 and 2 and had not committed any domestic violence with respondent No.1. Further, there were no specific allegations against them. Learned Court, however, illegally dismissed the application recording a finding that complainant had levelled specific allegations of domestic violence against the petitioners. Referring to the contents of the

complaint, it has been argued that the order was erroneous.

After going through the application under Section 12 of Protection of Women from Domestic Violence Act, 2005 filed by respondent No.1, before learned Nyayadhikari, Gram Nyayalaya, Ladwa, this Court does not find any perversity or illegality in the order of the Court below, warranting exercise of inherent jurisdiction under Section 482 Cr.P.C.

Hon'ble Apex Court in *Shaurabh Kumar Tripathi vs. Vidhi Rawal in Appeal No.2688 of 2025, date of decision 19.05.2025; 2025 SCC OnLine SC 1158* has observed as under:-

*“35. When it comes to exercise of power under Section 482 of the CrPC in relation to application under Section 12(1), the High Court has to keep in mind the fact that the DV Act, 2005 is a welfare legislation specially enacted to give justice to those women who suffer from domestic violence and for preventing acts of domestic violence. Therefore, while exercising jurisdiction under Section 482 of the CrPC for quashing proceedings under Section 12(1), the High Court should be very slow and circumspect. Interference can be made only when the case is clearly of gross illegality or gross abuse of the process of law. Generally, the High Court must adopt a hands-off approach while dealing with proceedings under Section 482 for quashing an application under Section 12(1). Unless the High Courts show restraint in the exercise of jurisdiction under Section 482 of the CrPC while dealing with a prayer for quashing the proceedings under the DV Act, 2005, the very object of enacting the DV Act, 2005, will be defeated.*

*36. We must also note here that against an order passed by a learned Magistrate, there is an appeal provided under Section 29 to the Court of Session. In contrast, generally, there is no remedy of appeal available against an order taking cognizance of an offence or an order issuing process. This is another reason why the High Court should exercise caution when exercising its inherent jurisdiction to quash proceedings under Section 12 of the D.V. Act, 2005.*

Having gone through the application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, annexed with the petition, it transpires that there are categoric averments therein that when the issues arose the aggrieved person was continuously living together with all the respondents in a shared household i.e. village Ramnagar Chunniwala, Post Office Devigarh, District Patiala w.e.f. 29.03.2015, the date of marriage, till she was finally turned out of the matrimonial house on 28.08.2021, just before filing of the application. Whether or not the household of the petitioners was separate and independent could not have been decided by learned Nyayadhikari, Gram Nyayalaya, Ladwa at initial stage of the case, on bald averments. Learned Nyayadhikari, Gram Nyayalaya, Ladwa could not have deleted the names of the petitioners at nascent stage of the case, when the parties were yet to lead evidence. This Court does not find the present case of an exceptional category requiring inference by this Court.

Moreover, order passed by learned Nyayadhikari, Gram Nyayalaya, Ladwa is appealable under Section 29 of Protection of Women from Domestic Violence Act, 2005. The powers under Section 482 Cr.P.C. are not to be invoked, when there is statutory remedy under the special statute. There is no ground to interfere with or quash the order

dated 10.07.2025.

Hence, the petition is hereby dismissed.

Pending application(s), if any, stand disposed of.

The petitioners will be at liberty to raise all the pleas, before the Court below at appropriate stage, while contesting the main application under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

**04.09.2025**

Sunil Chander

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