



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CrMMO No. 901 of 2025
Date of Decision: 23.3.2026**

Jatinpreet Singh

.....Petitioner

Versus

Pooja Devi and Ors.

.....Respondents

Coram

**Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? Yes.**

For the Petitioner: Mr. Paras Ram, Advocate, vice Mr. B.R. Kashyap, Advocate.

For the Respondents: Mr. Abhishek Nagta, Advocate, for respondent No.1.
Respondents No. 2 to 4 proceeded ex-parte.

Sandeep Sharma, J. (Oral)

Instant petition filed under Article 227 of Constitution of India, lays challenge to judgment dated 1.8.2024, passed by the learned Sessions Judge, Una, District Una, Himachal Pradesh, in CIS Registration No. 67/2023, titled *Pooja Devi v. Jatinpreet Singh and Ors.*, whereby appeal having been filed by respondent No.1 under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (in short the "Act"), laying therein challenge to order dated 21.3.2023 passed by the learned Judicial Magistrate First Class-2, Una District Una, Himachal Pradesh in CrMA No. 2315 of 2023 (*Pooja Devi v. Jatinpreet Singh and Ors*), came to be allowed.

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record by the respective parties are that respondent No.1 claiming himself to be legally wedded wife of petitioner herein filed complaint under Section 12 of the Act in the court of learned Judicial Magistrate First Class-2, Una, alleging therein that in the month of January 2019, she and petitioner came in contact with each other through Instagram, whereafter they became friends and later on, petitioner proposed her for marriage. She alleged that Roka Ceremony was held on 24.7.2020 at her parental house. She alleged that their marriage was solemnized according to Sikh Rites and ceremonies in Gurudwara at Village Rora, Tehsil haroli, District Una, Himachal Pradesh, but no child was born out of their wedlock. She alleged that her parents have spent approximately Rs.8.00 lakh on her marriage and after one month of marriage, petitioner went to his place of posting at Jhansi leaving her behind with respondents No. 2 to 4, i.e. mother-in-law, father-in-law and sister-in-law. She alleged that petitioner did not pay even single penny for her maintenance and her status was just like a servant in the house. She alleged that respondents No. 2 to 4 started harassing her for dowry and also gave her beatings. She alleged that in the month of May 2022, petitioner came on leave, but his attitude and conduct was totally changed. He alleged that petitioner also started making illegal demands and on her refusal, she was mercilessly

beaten up by him. She alleged that she called her parents telephonically, who visited her matrimonial house next day and inquired about the beatings given to her by the respondents. She alleged that they apologized and undertook that such incident would not happen in future, however, in September 2022, respondents No. 2 to 4 again started harassing/humiliating her and abusing her parents and started demanding dowry in the absence of the petitioner. She alleged that on 25.9.2022, her mother-in-law took her jewellery and when she telephonically called the petitioner, he also abused and threatened her. She alleged that since petitioner did not pay single penny to her after the marriage, it is difficult for her to survive. She alleged that she has no source of income, whereas petitioner is serving in Indian Army and getting about Rs.72,000/- per month as salary. She alleged that respondents have ousted her from her matrimonial house and no accommodation has been provided to her, hence appropriate orders with regard to maintenance as well as accommodation be passed.

3. Learned trial Court rejected the complaint vide order dated 21.3.2023 on the pretext that respondent No.1 solemnized marriage with petitioner during subsistence of her earlier marriage with one Pradeep Kumar.

4. Being aggrieved and dissatisfied with aforesaid order dated 21.3.2023, passed by the learned trial Court, respondent No.1-wife

preferred appeal in the court of learned Sessions Judge, Una, District Una, Himachal Pradesh, under Section 29 of the Act, which came to be allowed vide judgment dated 1.8.2024 (Annexure P-1). Learned Sessions Judge while allowing the appeal held the respondent-wife entitled to maintenance to the tune of Rs. 10,000/- per month and directed the petitioner-husband to pay sum of Rs. 5,000/- as rental charges. In the afore background, petitioner has approached this Court in the instant proceedings, praying therein to set-aside aforesaid order and restore order dated 21.3.2023, passed by the learned trial Court, whereby application under Section 12 having been filed by respondent No.1 came to be dismissed.

5. Precisely, the grouse of the petitioner as has been highlighted in the petition and further canvassed by Mr. Paras Ram, Advocate, is that learned Sessions Judge has fallen in grave error in as much as ignoring material factum with regard to earlier marriage of respondent No.1 with one Pradeep Kumar. Mr. Paras Ram, learned counsel, vehemently argued that factum with regard to earlier marriage of respondent No.1 with Pradeep Kumar, never came to be refuted by respondent No.1 and as such, no illegality or infirmity can be said to have been committed by the learned trial Court while rejecting the complaint under Section 12 of the Act.

6. To the contrary, Mr. Abhishek Nagta, learned counsel representing respondent No.1, while supporting the impugned order passed

by the learned Sessions Judge, vehemently argued that though no evidence worthy credence ever came to be led on record to prove marriage inter-se respondent No.1 and Pradeep Kumar, but even otherwise, once marriage inter-se petitioner and respondent No.1 is not in dispute, rather stands admitted by the petitioner as well as respondents No. 2 to 4, petitioner herein could not have escaped the liability to pay maintenance on the ground of earlier marriage of respondent No.1 with Pradeep Kumar. He stated that learned Sessions Judge rightly returned finding that till the time marriage inter-se respondent No.1 and petitioner is annulled by the competent court of law, respondent No.1 continues to be legally wedded wife of the petitioner. He further argued that there is overwhelming evidence adduced on record that petitioner as well as respondents No. 2 to 4 committed domestic violence, thereby compelling respondent No.1-wife to leave her matrimonial house and as such, learned Sessions Judge, while allowing the appeal filed by respondent No.1-wife rightly held her entitled to maintenance as well as rent for rental accommodation.

7. Having heard learned counsel for the parties and perused material available on record vis-à-vis reasoning assigned in the impugned judgment passed by the learned Sessions Judge, thereby allowing the appeal preferred by the respondent, this Court is not persuaded to agree with learned counsel for the petitioner that learned Sessions Judge failed to

appreciate the evidence in its right perspective, rather this Court finds that learned Sessions Judge has dealt with each and every aspect of the matter meticulously and there is no scope for interference.

8. It is not in dispute that marriage inter-se petitioner and respondent No.1 has been categorically admitted by the petitioner as well as respondents No. 2 to 4. It is also not in dispute that after solemnization of marriage, respondent No.1 resided in the house of the petitioner for quite long. As per own case of the petitioner-husband and respondents No. 2 to 4, respondent No.1-wife while living in the house of the petitioner had been maintaining contact with some other person namely Pradeep Kumar. As per case of the petitioner, he discovered factum of relationship inter-se respondent No.1-wife and Pradeep Kumar from mobile phone of respondent-wife. Though while referring to the photographs downloaded from the mobile of respondent No.1 and affidavit of marriage, petitioner attempted to prove factum of marriage inter-se respondent No.1 and Pradeep Kumar, however Pradeep Kumar denied aforesaid allegation specifically while filing written statement in the civil suit filed by respondent No.1. Since petitioner herein had produced certain documents, to establish marriage inter-se respondent No.1 and Pradeep Kumar respondent No.1 filed civil suit, seeking therein declaration against Pradeep Kumar that documents of marriage inter-se her and him are forged/fake.

In the afore proceedings, Pradeep Kumar specifically denied factum of his marriage with respondent No.1-wife as well as preparation of fake/forged documents.

9. Leaving everything aside, once marriage inter-se petitioner and respondent No.1 is not in dispute, rather stands admitted by the petitioner as well as respondents No. 2 to 4, respondent-wife being legally wedded wife of the petitioner is entitled to seek maintenance under the Act, subject to her proving domestic violence, if any, committed upon her. In the case at hand, respondent No.1 successfully proved on record that petitioner as well as respondents No. 2 to 4, repeatedly tortured her physically and mentally for bringing less dowry. Respondent-wife also proved that she was given beatings by the petitioner as well as her in laws i.e. respondents No. 2 to 4. Respondent No.1-wife successfully proved that her husband i.e. petitioner is working in Indian Army and drawing salary of Rs. 72,000/-per month. Though petitioner attempted to prove that respondent No.1 is earning Rs. 12,000/- per month, but such fact, if any, never came to be proved in accordance with law.

10. While dealing with case, having similar facts as are in the present case, Hon'ble Apex Court in **Deoki Panjhiyara v. Shashi Bhushan Narayan Azad and Anr. (2013) 2 SCC 137**, has held that till the time marriage inter-se husband and wife in that case is annulled by the

competent court of law, parties to lis continue to be legally wedded husband and wife. In the afore case before the Hon'ble Apex Court, attempt was made to prove that complainant had solemnized marriage with respondent during subsistence of her marriage. Hon'ble Apex Court held that it is only upon a declaration of nullity or annulment of the marriage between the parties by a competent court that any consideration of the question whether the parties had lived in a "relationship in the nature of marriage" would be justified. In the absence of any valid decree of nullity or the necessary declaration the court will have to proceed on the footing that the relationship between the parties is one of marriage and not in the nature of marriage. In the case at hand though having taken note of the written statement filed by Pradeep Kumar in the civil suit filed by respondent No.1, this Court has reason to presume and believe that no marriage was ever solemnized inter-se respondent No.1 and Pradeep Kumar, who otherwise claimed before the civil court to have solemnized marriage with one Smt. Neha, but even otherwise, for these proceedings filed under Section 12 of the Act, this Court is not required into go into the aforesaid question. Once marriage inter-se petitioner and respondent No.1 is admitted and no legal/valid document with regard to subsistence of earlier marriage of respondent-wife ever came to be placed on record,

learned Sessions Judge rightly proceeded to allow the complaint filed under Section 12 of the Act at the behest of the petitioner maintainable.

11. This Court is persuaded to agree with learned counsel for the petitioner that with the passage of time, inflation has increased manifold and by no stretch of imagination, amount of Rs.10,000/-, can be said to be sufficient for respondent-wife to sustain herself. Petitioner being legally wedded husband of respondent No.1 is responsible for providing her some pocket money and is under obligation to pay sufficient amount for household activities.

12. Similarly, once it stands duly established on record that respondent No.1 was compelled to leave her matrimonial house on account of domestic violence, no illegality can be said to have been committed by the learned Sessions Judge while directing the petitioner to pay Rs. 5,000/- per month on account of rent, which respondent No.1 may hire to live.

13. Consequently, in view of the detailed discussion made herein above, this Court finds no illegality or infirmity in the order impugned in the instant proceedings and as such, same is upheld. Accordingly, the present petition is dismissed along with pending applications, if any.

March 23, 2026

(manjit)

**(Sandeep Sharma),
Judge**