

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1656/2015

LALITA TOPPO . . . APPELLANT(S)

VERSUS

THE STATE OF JHARKHAND
& ANR. . . . RESPONDENT(S)

ORDER

1. The appellant before us would have an efficacious remedy to seek maintenance under the provisions of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to "DVC Act, 2005") even assuming that she is not the legally wedded wife and, therefore, not entitled to maintenance under Section 125 of the Code of Criminal Procedure, 1973. This is because of the provisions contained in Section 3(a) of the DVC Act, 2005 which defines the term "domestic violence" in the following terms:

"3. Definition of domestic violence.- For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it-

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

**.....
....."**

2. What would be significant to note is that economic abuse also constitutes domestic violence and economic abuse has been defined by Explanation I(iv) to Section 3 of the DVC Act, 2005 to mean:

"(iv) "economic abuse" includes-

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a Court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household

necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household."

3. In fact, under the provisions of the DVC Act, 2005 the victim i.e. estranged wife or live-in-partner would be entitled to more relief than what is contemplated under Section 125 of the Code of Criminal

Procedure, 1973, namely, to a shared household also.

4. The questions referred to us by the Referral Order were formulated on the basis of the decisions of this court rendered in Yamunabai Anantrao Adhav vs. Anantrao Shivram Adhav and another¹ and Savitaben Somabhai Bhatiya vs. State of Gujarat and others² which were rendered prior to the coming into force of the DVC Act, 2005. In view of what has been stated herein before, it is, therefore, our considered view that the questions referred would not require any answer. We, therefore, decline to answer the said questions. The appellant is left with the remedy of approaching the appropriate Forum under the provisions of the DVC Act, 2005, if so advised. If in the event the appellant moves the appropriate

1. (1988) 1 SCC 530

2. (2005) 3 SCC 636

Forum under the provisions of the DVC Act, 2005, we would request the said Forum to decide the matter as expeditiously as possible.

5. The appeal is disposed of in the above terms.

....., CJI.
(RANJAN GOGOI)

....., J.
(UDAY UMESH LALIT)

....., J.
(K.M. JOSEPH)

NEW DELHI
OCTOBER 30, 2018

ITEM NO.103

COURT NO.1

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

C R I M I N A L A P P E A L N O (S) . 1 6 5 6 / 2 0 1 5

LALITA TOPPO

APPELLANT(S)

VERSUS

THE STATE OF JHARKHAND & ANR.

RESPONDENT(S)

Date : 30-10-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. Kaushik Poddar, AOR
Mr. Kumar Ranjan, Adv.
Mr. Gautam Singh, Adv.
Ms. Isha Singh, Adv.

For Respondent(s)

Mr. Jayesh Gaurav, Adv.
Mr. Gopal Prasad, AOR

Mr. Shikhil Suri, Adv.
Mr. Shiv Kumar Suri, AOR

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

The appeal is disposed of in terms of the signed order. Consequently, all pending applications shall stand disposed of.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

ASSISTANT REGISTRAR

[SIGNED ORDER IS PLACED ON THE FILE]