

**IN THE COURT OF MS. SHIVANI CHAUHAN:  
METROPOLITAN MAGISTRATE-01 (MAHILA COURT)  
SAKET DISTRICT COURTS, NEW DELHI**

**CC NO. 316/3/2007  
PS- New Friends Colony  
UID No. 02406R0994312007**

1. Ms. Sumana Bhasin  
W/o Sh. Neeraj Bhasin,  
R/o D-1101, Second Floor  
New Friends Colony, New Delhi-110065

**.....Complainant/Applicant**

**Versus**

1. Sh. Neeraj Bhasin  
S/o Late Sh. Shiv Kumar Bhasin,  
R/o Flat No. 247, First Floor  
CAT- SFS-II , Pocket B,  
Sukhdev Vihar, New Delhi

**.....Respondent no. 1**

2. Sh. Shiv Kumar Bhasin  
S/o Sh. Ram Chand  
R/o D-1101, New Friends Colony,  
New Delhi-110065

**.....Respondent no. 2**

*(Respondent no. 2 expired on 21.04.2014 and hence proceedings  
against him stood abated vide order dated 15.11.2014.)*

3. Smt. Pushpa Bhasin  
W/o Sh. Shiv Kumar Bhasin  
R/o D-1101,New Friends Colony,  
New Delhi-110065

.....**Respondent no. 3**

**Date on which case reserved for judgment : 20.05.2015**  
**Date of Pronouncement judgment : 27.05.2015**

## **JUDGMENT**

1. This judgment shall dispose off an application u/s 12 of Protection of Woman from Domestic Violence Act (hereinafter called 'PWDV Act') filed by Smt. Sumana Bhasin (hereinafter called the applicant/complainant) against her Sh. Neeraj Bhasin/ respondent no. 1 (husband), respondent no. 2/ Sh. Shiv Kumar Bhasin (father-in-law) & respondent no. 3 / Pushpa Bhasin (mother-in-law).

2. The respondent no. 2/ Sh. Shiv Kumar Bhasin expired on 21.04.2014 during the pendency of the Trial. Accordingly, the proceedings against him stood abated vide

order dated 15.11.2014.

3. The case was instituted on 23.04.2007 and was finally disposed off by the Trial Court on 07.06.2008. The parties went in appeal and the matter was remanded back for Re-trial before this Court by the Ld. ASJ vide order dated 06.06.2009 and respondent no 1 was directed to pay interim maintenance of Rs.25,000/- per month apart from electricity and water charges. During the pendency of appeal before Ld.ASJ, the respondent no 1 filed a petition before Hon'ble High Court, wherein the order of grant of compensation of Rs. 5,00,000/- was stayed by the Hon'ble High Court vide order dated 02.09.2008.

4. Thereafter, another appeal was filed before Hon'ble High Court. Wherein, the Order of remanding back of the case for Re-trial was confirmed and **this Court was directed to re-consider whether wife is entitled to any maintenance, if so, to what extent and in case the wife was**

**held not entitled to receive maintenance, she would return back the entire maintenance amount received by her.** The complainant has also filed undertaking dated 23.03.2010 to this effect before this Court.

**Briefly stated, the case of the complainant is as follows :**

5. The parties got married on 30.11.1989 at Patna, Bihar. It was a love marriage. After marriage, the parties resided at the house of the respondent's no. 2 and 3 i.e parents of respondent no. 1. After some time, they constructed a separate kitchen on the 2<sup>nd</sup> floor of the house, due to the differences between respondent no. 1 and his father qua mismanagement of business and extravagant expenditure by Respondent no. 1 on himself and non-contribution to the household expenses. Complainant was dragged into the family business in 1989. She would be physically and verbally abused by respondent no. 1 in front of other employees. She

complained about this misbehavior to respondents no. 2 and 3, who allegedly turned a blind eye to the said incidents and refused to interfere between husband & wife.

6. Complainant had visited America and Canada in January 1991 and respondent had joined her in the Month of February 1991. The complainant was allegedly beaten by respondent no. 1 on this trip he was jealous with the ease with which she would communicate with others. The respondent no. 1 always angry with the complainant on her inability to satisfy him on issues such as production, sampling and meeting of deadlines.

7. An employee by the name of Shoma Dey was hired by respondent no. 1 in mid 1998. The complainant was informed by an anonymous caller that Shoma Dey and the respondent no. 1 were seen together in '*in-appropriate condition*'. When the complainant confronted respondent no. 1, he had hit her in front of their maid. He also started giving

paying more attention to Shoma Dey. The complainant alleged that respondent no. 1 would often travel with Shoma Dey and they would often stay in same room. The respondent no. 1 would shower expensive gifts upon Shoma Dey. The complainant is also stated to have read some SMS's on the phone of respondent no. 1 which were allegedly sent by Shoma Dey allegedly confessing her love for respondent no. 1. The complainant had hired the services of Ace Detectives in the Month of July- August 2002, who is stated to have informed her that the respondent no. 1 had met Shoma Dey on 01.07.2002. When the complainant confronted, the respondent no. 1, he is stated to have admitted being with Shoma Dey.

8. Complainant made a '*Silent Complaint*' with New Friends Colony Police Station. However, the matter was compromised and the complainant returned back to the matrimonial house. However, the respondent no. 1 continued his illicit relationship with Shoma Dey. He slept in separate

room with his son ignoring the ill health of the complainant and would talk to Shoma Dey. When confronted with this, he threw out the complainant and her mother from the house. The respondent no. 1 fell ill and the complainant returned back to the matrimonial home to take care of him on 22.12.2002. There are allegations that the respondent no. 1 had physically assaulted the complainant on 12.02.2003 and again on 25.02.2003. The complainant had got herself medically examined at Holy Family Hospital. The respondents behaviour became callous and indifferent towards the complainant. The complainant moved out of the house and on 25.02.2003 & two complaints were registered by her. The respondent no. 1 refused to undergo to the counselor for counseling . The parties would often fight over, monetary issues. The complainant alleged that respondent no. 1 always gave more importance to his business and not to his family and always came late from work. The complainant alleged that all the household expenses were taken care of by herself from her salary.

9. An application U/s 125 CrPC and a Guardianship case were filed by complainant in the year 2003, which were compromised and the parties had undergone counseling.

10. In September 2007, the parties went for a business trip to Jodhpur alongwith some employee named Archana. The respondent no. 1 allegedly gave '*undue attention*' to Archana and would share food from her plate. There are several other such allegations made by the complainant in her application U/s 12 PWDV Act.

**The defence put forth by Respondents:**

11. The respondent no. 1 has stated that it was a love marriage and the parents of both the parties were against the marriage since beginning. The respondent no. 1 had averred that the complainant is a person of highly suspicious nature and is over ambitious. He had averred that all the

allegations made by the complainant was false, baseless and concocted and were made solely with a view to extort unjustified money and harass him. He submitted that he has always being a loving husband and a caring father. He had regularly taken his family for domestic as well as international vacations. He also used to take complainant with himself even on official tours due to the highly suspicious nature of the complainant. He submitted that he has always provided the complainant with comfort and luxury at all times when the parties were residing together. He had given her the best lifestyle according to his means and had also showered her with expensive gifts but despite all this, he could not satisfy the greed of the complainant which has brought about the filing of the present case. The respondent has denied all the allegations of physical, mental and economic abuse and has also made allegation that the complainant herself, is having extra marital relationship with other men & is living in adultery. He has also disputed his liability to pay maintenance on the ground that

complainant is well qualified and is earning approximately Rs. 15,00,000/- per annum.

12. The matter was put for the trial, & Evidence was led by both the parties. The complainant examined five witnesses including herself in support of her case. Complainant examined herself as CW-1, her mother Sunanda Das Gupta was examined as CW-2, her son Pranav as CW-3, her cousin sister Nupur Roy as CW-4 and Sejuti Das Gupta as CW-5. On the other hand, respondent no. 1 examined himself as only witness in defence.

**Extensive Final arguments heard on behalf of all the parties. Entire case file has been carefully perused.**

**Discussion on Merits:**

13. The central point of entire discussion is to assess whether applicant Sumana Bhasin is an aggrieved

person within the definition and parameter laid down in Protection of Women from Domestic Violence Act, 2005. The term **“Aggrieved Person”** is defined in **Section 2 (a) of Protection of Women from Domestic Violence Act, 2005** which is reproduced as under:

***(a) “aggrieved person” means woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;***

14. The basic tenets which make up or constitute to prove one to be an Aggrieved person are applicant having suffered **domestic violence** while being in **domestic relationship** in **Shared Household** with the **respondents**. The term **“Respondent”** is defined in **Section 2(q) of Protection of Women from Domestic Violence Act, 2005** which is reproduced as under:

***“Respondent” means any adult male person who is, or has been, in a domestic***

***relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act.***

The term **“Domestic Relationship”** is defined in **Section 2(f) of Protection of Women from Domestic Violence Act, 2005** which is reproduced as under:

***“Domestic relationship” means a relationship between two persons, who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;***

15. The term **“Domestic Violence”** is defined in **Section 3 of Protection of Women From Domestic Violence Act, 2005** which is reproduced here as under:

***“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***

***(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or***

***(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or***

***(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.***

16. The term “**Shared Household**” is defined in Section 2(s) of Protection of Women from Domestic Violence Act, 2005 which is reproduced as under:

***“Shared Household” means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the***

***aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, titled, or interest in the shared household.***

***“Cruelty or Violence” as a word may have objective as well as subjective connotation. It harbors pain to the sufferer and soothes the temperament of perpetrator sometimes it gels so well with one’s attitude that he or she hardly understands that one is being cruel. There cannot be any direct proof unless it has turned extremely physically violent and that too only if it is intended to be recorded and reported. But absence of explicit proof cannot evade its existence, in fact, its absence itself becomes a proof.***

17. Now, assessing the facts of the case to draw an inference as to whether applicant can be stated to have proved herself as an Aggrieved Person u/s 2 (a) of Protection of Women From Domestic Violence Act, 2005.

**Qua respondent No. 3 I.,e mother-in-law:**

18. The complainant has herself admitted that they were against the marriage since very beginning.

19. In her complaint, the complainant has alleged that the respondent no. 2 & 3 always turned a blind eye to her and respondent no.1 whenever she complained to them about her husband. However, she contradicted herself during her deposition when she denied a suggestion put by counsel for the respondent, the complainant denied the suggestion that the in-laws never interfered in her affairs with her husband. It is admitted case of complainant and her husband separated from her in-laws and they had a separate kitchen and resided independently on the second floor of the house owned by the father in law. Thereafter, they never resided jointly with respondents no. 2 and 3 In these circumstance, the complainant can not be said to be residing with respondent no. 3 in the shared household and no relief can be granted to the complainant under the present Act against respondent no 3, in

view of the judgment of **Hon'ble Delhi High Court** in the case of **Adil & Ors Vs State & Anr, decided on 20.09.2010.**

20. As far as the allegations against respondent no.1 is concerned, the complainant had alleged the following :

a). **Physical violence/abuse by respondent no.1-** alleged beatings and verbal abuse by respondent no.1 on various occasion.

b). **Economic abuse-** allegedly not being given money for household expenditure, being forced to her with the company owned respondent no.2.

c). **Mental torture-** alleged extra martial affairs of respondent no. 1 with Shoma Dey and Archana.

21. The onus of proof primarily lies on the person who makes the allegations. The onus lies on the person who would fail, if no evidence is led on either side. As the

complainant had alleged commission of certain acts of Domestic Violence upon her by the respondent no. 1, the onus lies solely on the complainant to substantiate these allegations by leading cogent evidence in this regard. Once, the complainant discharges the primary onus of proof, it would then shift to the opposite party.

**Evaluation of testimonies of witnesses & other evidence on record :**

22. Nupur Roy & Sejuti Das Gupta are neither referred to by the complainant in the application Under Section 12 PWDV Act filed by her nor were they ever cited as witness at the first instance by the complainant.

23. In Trial Court's first judgment dated 07.06.2008, while deposing of the application U/s 12 PWDV Act, Ld. MM had observed that complainant had failed to produce evidence qua physical and mental torture. The parties had gone in

appeal against the abovementioned judgment and Re-trial was ordered in the present case. **It is at the stage of retrial that Nupur Roy & Sejuti Das Gupta have been mentioned in the case for first time.** There is no mention about the presence of CW-4/ Nupur Roy and CW-5/ Sejuti Das Gupta in the pleadings of the complainant. None of them was stated to have been present at the time of the commission of alleged acts of Domestic Violence. The complainant does not aver that any of the alleged act was committed in the presence or hearing of these witnesses. Otherwise also, these two witnesses are related to the complainant and have good reasons to depose in favour of the complainant and against respondent no. 1, being the relatives of the complainant. In these circumstances, it is unsafe to rely upon their testimonies unless the same are duly corroboration from independent sources.

24. The mother of complainant was examined as CW-2. During her cross examination, **she had admitted that**

**she had no personal knowledge about the affairs of respondent no. 1 and complainant as they were residing at Delhi while she herself was residing at Kolkata.** She did not attend the Mundan ceremony of either grandson. She admitted that respondent no. 1 was present at Kolkata at the time of knee surgery of the father of complainant while her own sons were not present. It is an admitted case that the parents of complainant were against her marriage with the respondent no. 1. Thus, this witness also has good reasons to depose against the respondents as the marriage was solemnized against her wishes. Otherwise also, CW-2 admits that she does not have any personal knowledge about the incidents. Her testimony can, at the best, be considered as hearsay & the same has to be excluded from consideration being in admissible in evidence.

25. Pranav i.e is the son of complainant was examined as CW-3, he admitted that the complainant had

brought the affidavit at home and he had signed the same at home. In these circumstances, it is clear that the affidavit of Pranav Bhasin was neither prepared his instance nor was it duly sworn before the Oath Commissioner as per the requirement of the Law. In these circumstances, affidavit of CW-3 becomes inadmissible in evidence. During cross examination, the child has admitted that every year he and the complainant/ his mother alongwith younger brother were taken to holidays by respondent no. 1. Otherwise also, there is no explanation record as to why respondent no. 1 who would take the complainant and his sons regularly on holidays at domestic and international destinations and also funded their educational and other expenses including extra curricular activities when his behaviour is alleged to be cruel towards all of them. Only one proposition seems preponderance i.e the allegations made in the compliant do not hold any merit.

**Now coming to the testimony of complainant Smt Sumana Bhasin / CW-1:-**

26. The complainant in her complaint, had alleged that she was physically abused by respondent no. 1 in front of other workers of the company when she failed to satisfy him on issues like production, sampling of meeting deadlines. The respondent had categorically denied all such allegations in his written statement. The counsel for respondent had put contrary suggestions to the complainant on these aspects which were denied by her. The complainant has not specified the name of even a single employee in whose presence she was allegedly beaten or abused by respondent no. 1.

27. The complainant has not pleaded any specific incident regarding assault, criminal intimidation or use of criminal force by respondent no. 1. All the allegations are vague in nature & lacking in material particulars. There is nothing on record which would show that complainant had delivered pre-

mature child on the second occasion. Though the complainant has filed two complaints dated 25.02.2003 regarding the alleged incidents of beatings stated to have occurred on 12.02.2003 and 25.02.2003. However, no action has been taken on these complaint. No further action was ever initiated by complainant qua these alleged incidents. Therefore, it cannot be said that complaints were infact a fall out of the alleged beatings. Otherwise also complainant has failed to specify as to what beatings were given to her. In the given circumstances, the complainant has failed to prove the allegations of physical or verbal abuse as alleged by her.

#### **Qua Alleged Economic abuse by respondent no. 1-**

28. In her complaint, the complainant has alleged that she was deliberately dragged into the family business and she was forced to work forcibly. She further stated that the respondent no1 never contributed anything towards household expenses and these were being met by her salary which was

earning by working in the company of the father in law. When the complainant deposed before the court, she admitted that she was getting Rs. 17,000/- per month from the company which was her pocket money and rest of the other expenses were being met by respondent no.1. While the complainant alleges economic deprivation at the hands of respondent no.1, during her cross examination, in a suggestion given by counsel for the respondents, she also admits that she was used to luxurious lifestyle prior to separation & is trying to maintain the same standard of living which she used to maintain while she was residing with the respondent no. 1 i.e. Visiting Five Stars Hotels, Cafe's, luxury beauty parlour, luxury boutiques, luxury health clubs, pastry shops etc. If her deposition is taken on the face of it, the complainant has herself disproved her allegations of economic violence. If the respondent no. 1 was not giving any money towards the personal expenses of complainant, how was she able to visit five stars hotels and pastry shops etc and get her haircut done from Oberoi Hotel while she was

residing with the respondent no.1. Furtherance, the complainant has admitted that the respondent no.1 purchased a property at Sukhdev Vihar in her name and had transferred 5 % of his company's share in her name while respondent no.2 had also transferred 5 % of his company's share in the name of the complainant. If the complainant was being economically deprived as alleged by her, then the respondent no.1 would not fund her visits to Five Star hotels, cafe's, parlours etc. The complainant was also regularly taken for holidays on national and international destinations by respondent no.1 as per the admission of the complainant and her son Pranav during their respective cross examinations. The complainant has miserably failed to substantiate even a single allegation of economic violence as alleged by her. As such there is no merit in the allegations made by her in her applications.

**Alleged Mental torture and Extra martial affairs of respondent no1 with employees namely Ms. Shoma Dey**

**and Ms. Archana-**

29. The complainant has alleged that the respondent No.1 was in illicit relationship with Shoma Dey and later on with one Archana. Both these females were the employees of the company. The allegations of adultery have been categorically denied by respondent no.1 in his written statement. No rejoinder has been filed by complainant reaffirming these allegations. The counsel for the respondent no. 1 had put contrary suggestions to the complainant for these allegations which have been denied by the complainant.

30. While the respondent no. 1 had denied having any relationship with Shoma Dey or Archana apart from official work. The onus of proof was on the complainant as she had made these allegations. It was important that the complainant substantiate these allegations by leading cogent evidence. However, no independent evidence has been led by the complainant to substantiate even a single such allegation.

Her own information is mostly based on what she heard from others & is inadmissible to this extent being hearsay in nature. It is the own case of complainant that, she had hired Ace Detectives in July/ August 2002 and was informed by them that respondent was meeting Shoma Dey and was having relationship with her. She could have filed the detectives report or photographs which, in the ordinary course of events, would have been provided to her by the detective Agency. However, She had failed to file any report or photograph given by such detective. She has also not filed any document or bill which would go on to show that the services of Ace Detectives were ever availed by her at any point of time. Complainant has also not filed any record of the Hotel with which the respondent no. 1 allegedly booked book a room for himself and Archana. There is nothing on record to substantiate that complainant had allegedly overheard the conversation between respondent no. 1 and Archana over the telephone. Even the telephone number has not been specified anywhere. The alleged family settlement

referred by the complainant has also not been placed on record. It is admitted that, the respondent no. 1 had gifted a costly Omega watch worth Rs.1,25,000/- to complainant. The complainant deposed that this watch was given to her as she had caught the respondent no. 1 in an adulterous relationship with Ms. Shoma Dey. The complainant herself admitted wearing the said watch on the date of the deposition before the Court. This goes on to show that even if adulterous relationship as alleged is presumed to be true for sake of arguments, the same was condoned by the complainant by accepting gift of watch which she continues to wear. She is now estopped from raising this grievance by her own conduct. Otherwise also, complainant has failed to substantiate the allegations of adulterous relationship of respondent no. 1 as alleged by her.

31. Complainant alleged that she and respondent no. 1 were referred to a marriage counselor, however, no such counselor has been named anywhere, no date or period of

counseling has been specified or the record of such counseling has been produced by the complainant during evidence. This, the complainant has failed to prove that parties ever attended counseling sessions as alleged which gives rise to presumption that no such act of Domestic Violence had ever taken place. Thus, the complainant cannot be adjudicated to be an aggrieved person within the meaning of Protection of Woman from Domestic Violence Act. Otherwise also, both the complainant and the respondent no. 1 are equally qualified. The complainant is Graduate in B.Com and has a Diploma from NIFT which was obtained by her after the marriage. At present, she states that she is working with NGO ' Help-age India' and getting of salary of Rs.40,000/- to Rs.45,000/- per month. She is also the owner of a property bearing no. 247, Pocket-B, Sukhdev Vihar, New Delhi which was purchased by respondent no. 1 in her name. On this account also, no relief can be granted to the complainant in view of the judgment of Hon'ble High Court in the case of ' Sanjay Bhardwaj Vs State of Anr.

2010(3) LRC, 289 (Del).

32. Veracity of the complainant testimony stands punctured as she has contradicted herself on many material aspects during her deposition as discussed herein above.

33. It is not disputed that complainant used to get Rs.17,000/- per month from the account of the company. In her complaint, she alleged that she was dragged into business in a company owned by respondent no. 2 and was forced to work and that she would take care of all the household expenses from her said income. In Court, the complainant has stated that this amount of Rs.17,000/- was only towards her pocket expenses.

34. On one hand, the complainant alleges that she was treated like a maid servant and was made to do all household work. Whereas, during her deposition, she admits that she had lived a luxurious lifestyle at the time when she was

residing with respondent no. 1 and had several servants to look after the household work, she would visit Oberoi Hotel for haircut and her children used to visit five star hotel, pastry shops and she was regularly taken on vacations & was using premium health clubs & other facilities. All this has been admitted by the complainant herself on oath before the Court & goes on to disprove the allegation of complainant economically and physically abused as alleged. Thus, the complainant has failed to prove the case on merits. Rather, the testimony of complainant contradicts the averments made by her in the applications filed by her & shows the extent to which she has manipulated pleadings to claim money & other reliefs and has indeed obtained interim orders by misleading the Court.

35. Otherwise also, the complainant is an educated lady, earlier helping the respondent in his business and now employed with another Export Company & admits to be possessing good communication skills. However, during her

deposition, she feigns ignorance about the fact whether she is a Director of Nag Exports Pvt. Ltd. or not. It is highly unbelievable that an educated lady, moving in high circles, visiting high end restaurant and five star hotels regularly and being aware of her rights would sign certain documents at the mere asking of her employer when such document appoints her as one of the Directors of the Company. It is highly unbelievable that the complainant would sign Ex.CW1/A to Ex.CW1/E solely at the asking of her employer and CA even without understanding the nature of such document. All these documents show that complainant is one of the Directors of Nag Exports Pvt. Ltd., while the complainant deposes that she **'does not have any idea' whether she is a Director of Nag Exports Pvt. Ltd. or not.** At another stage, she deposes that she **'forgot'** whether she is a Director of Nag Exports Pvt. Ltd. or not. She, very conveniently deposes that **'she has no knowledge whether she consented to act a Director of Nag Exports Pvt.'** Ltd. The complainant also **forgets** an important

issue **whether she had filed her Income Tax Returns for the years 2008, 2009 or 2010.**

36. The bank statement of complainant shows a credit of Rs.33,00,000/- INR (in foreign Exchange) in the personal bank account of the complainant. While the complainant does not deny the credit of this amount, she states that this amount was towards the expenses of the company and salaries of the employees of Nag Exports Pvt. Ltd. **There is no explanation as to why would the expenses a Private Limited of company and salaries of the employees such Multinational Company be credited to the personal account of 'Site Manager'.** The credit of this amount coupled with other documents i.e Ex.CW1/A to Ex.CW1/E go on to show that complainant is one of the Directors of Nag Exports Pvt. Ltd.

37. The complainant also admits that she is a musician and singer and is giving consultations to various people on music content. She never remains silent on the

aspect of remuneration. She never stated that she was doing this *pro-bono*. It is a improbable that she is not getting any remuneration from such highly technical consultation.

38. During cross examination , the complainant has admitted being one of the Directors of India Operations and Masala India Events w.e.f June 2010. She is Band member of 'WOTSHELIKE'. She also admits being employee of Naga Art Gallary. She has deliberately suppressed her income from these sources. She has further suppressed her Income Tax Returns despite specific questions being asked during her cross examination. From the above discussion, it becomes categorically clear that complainant has deliberately suppressed material facts in order to press her claim for reliefs to which, she is otherwise not entitled.

39. Applicant is entitled for relief under the Act only if she is able to prove herself as an Aggrieved person as per section 2(a) of the Act. In the present case the complainant

has miserably failed to do so. Generally, women are at the receiving end of Domestic Violence and the present Act is created solely with a view to provide relief to the victims of Domestic Violence and not to the perpetrators of the same. The testimony of the complainant throws light on the conduct of the complainant and the extent, to which she has falsified and concocted various allegations and has suppressed important facts in order to harass the respondents and had misused the PWDV Act as a tool to extort unjustified money from the respondent no1 for unjustified personal gain. In such glaring circumstances, the Court cannot be expected to be sit as a mute spectator, where the Law, which is enacted solely for Protection of protect victims of Domestic Violence, is being misused and abused and made a tool of harassment and extortion.

40. It has been held by Hon'ble Supreme Court in the case of '**Rameshwari Devi & Ors Vs Nirmala Devi & Ors. (4<sup>th</sup>**

**July, 2011)** that unscrupulous litigants can harass the respondent till eternity by abusing the Judicial system.

Imposition of actual, realistic cost would go a long way in controlling the tendency of false pleadings & forged & fabricating documents by litigants. It is a fit case which calls for imposition of exemplary cost on the complainant, so that like-minded people are dissuaded from resorting to such malafide practices.

41. In light of the above discussion, the **Application U/s 12 PWDV Act filed by the complainant is dismissed with a cost of Rs.1,00,000/- (Rupees One Lakh) to be deposited by the complainant in the account of Blind Relief Association. The imposition of cost is in furtherance of the principle that wrongdoers should not get benefit out of frivolous litigations. Needless to say, all interim orders stand cancelled.**

42. The respondent no. 1 is at liberty to initiate

appropriate proceedings for restitution, in view of the undertaking dated 23.03.2010 furnished by the complainant.

Copy of the order be given Dasti.

File be consigned to Record Room.

Announced in the open court on  
**27.05.2013**

**(SHIVANI CHAUHAN)**  
**MM (Mahila Court) /SED**  
**Saket Court, New Delhi.**  
**27.05.2015**