

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, TIS
HAZARI COURTS, CENTRAL
CC NO. _____ OF 2023
LEGAL AID MATTER**

IN THE MATTER OF:

KAVITA KUMARI ...COMPLAINANT
V/s
KARAN@GUDDU AND ORS. ...RESPONDENTS

**APPLICATION UNDER SECTION 12 READ WITH SECTIONS 18, 19,
20, AND 22 OF THE PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT, 2005 ON BEHALF OF THE COMPLAINANT**

Most Respectfully Showeth: -

1. That the present application is being filed by the Complainant herein under Sections 18, 19, 20, and 23 of the Protection of Women from Domestic Violence Act, 2005
2. That the numerous incidents of physical abuse, verbal abuse, emotional abuse, economic abuse committed by the respondents on the Complainant are as described hereunder.
3. That the complainant has an arranged marriage with Respondent no. 1 on 30/11/2020. The marriage ceremony took place at Delhi. Out of the wedlock, she has four children. She has one minor daughter namely Anjali aged 2 years. After the marriage, the complainant shifted to her matrimonial home at HN 1975, Nehru Vihar, Faridabad.
4. That soon after the marriage, the respondent no.1 started committing cruelty on her both physically as well as mentally for dowry. The mother-in-law and sister-in law of the complainant were also used to instigate her husband for demanding dowry and therefore were very much involved in commission of cruelty on the complainant. Both respondent no. 2 and 3 repeatedly used to beat and abuse the complainant in the filthiest language in conspiracy with respondent no.1. On one day, the complainant was

orally gagged by the respondents and was beaten mercilessly. During the incident, the complainant was also suffered with many injuries. The father of the complainant does not have the financial capacity to fulfil the big dowry demands of respondents and taking this advantage the respondents committed all kinds of cruelty on the complainant for all these years. Apart from the regular domestic violence incidents, the complainant and her child were never given proper food and medical care. Also, the complainant was not given any monthly expenses to manage the household expenditures.

5. That mustering all courage, the complainant one day lodged her grievance with the CAW Cell and case proceedings against the respondents were commenced accordingly. During the proceedings used to stay with her parents. To save their skin from police action, the respondents made false assurances to the complainant that she will be treated nicely in the matrimonial home and her minor daughter will be given good upbringing. Assuring the same, the complainant was pressurized to withdraw her complaint. Believing the same, the complainant had withdrawn her complaint and returned to her matrimonial home. For few days, the complainant was given good behaviour by the respondents and thereafter their conduct returned to the previous stage. The mother-in-law of the complainant used to instigate the respondent no. 1 for divorce from her and marry for the second time. The complainant was repeatedly harassed for small and petty issues. Even the respondent no. 3 used to get involved in such repeated harassments to the complainant. On one day, the complainant was orally gagged by the respondents and was beaten mercilessly. During the incident, the complainant has also suffered with many injuries. The complainant was blatantly refused for medical help and was also starved for satisfying of their ego.
6. That finally the complainant lodged police complaint against the respondents with the CAW Cell Sabzi Mandi against the said atrocities

with a request to reopen the case that was previously closed. The copy of the complaint to ACP PS Sabzi Mandi CAW Cell dated 17/08/2023 is annexed as **Annexure A-1**. That the complainant is presently residing at her parental home along with her 2 years old daughter. The respondent no. 1 has many properties in his name and he has all means to pay any maintenance amount. The respondent no. 1 has refused to all kinds of responsibilities towards the complainant and her child. The respondent no. 1 has outrightly refused to pay any monthly expenses and the complainant is now dependent on her father who strives hard to make ends meet for the entire family.

7. CAUSE OF ACTION

That the cause of action first arose soon after the marriage, when the respondent no.1 started committing cruelty on her both physically as well as mentally for dowry. The mother-in-law and sister-in law of the complainant were also used to instigate her husband for demanding dowry and were regularly used to get involved in harassing the complainant. Both respondent no. 2 and 3 repeatedly used to beat and abuse the complainant in the filthiest language in conspiracy with respondent no.1. That the cause of action again arose when the complainant lodged her grievance with the CAW Cell against their atrocities and case proceedings against the respondents were commenced accordingly. That to save their skin from police action, the respondents made false assurances to the complainant that she will be treated nicely in the matrimonial home and her minor daughter will be given good upbringing. That believing the same, the complainant had withdrawn her complaint and returned to her matrimonial home. That cause of action again arose when the complainant's condition again came back to the same position after withdrawal of her complaint. Things became worse, when one day the complainant was orally gagged by the respondents and was beaten

mercilessly. During the incident, the complainant has also suffered with many injuries. That the father of the complainant does not have the financial capacity to fulfil the big dowry demands of respondents and taking this advantage the respondents committed all kinds of cruelty on the complainant for all these years. Apart from the regular domestic violence incidents, the complainant and her child were never given proper food and medical care. That cause of action finally arose on 17/08/2023 when the complainant lodged police complaint against the respondents with the CAW Cell Sabzi Mandi against the said atrocities. That the cause of action arose on each and every abovementioned day and is still continuing.

8. The complainant seeks liberty to raise other grievances, issues and facts at the time of submission of her arguments before the Hon'ble Court.
9. That the Hon'ble Court has the jurisdiction to try the complaint and examine the witnesses on oath and pass all such orders as it may deem fit.
10. That no similar criminal case is pending before any court previously to the filing of the present application

PRAYER

In light of the above said facts, reasons and circumstances, it is therefore most respectfully prayed that this Hon'ble Court may be pleased:

- (a) To pass protection order prohibiting acts of domestic violence by granting an injunction against the respondents, their aides and associates from aiding or abetting, committing domestic violence to the Complainant both mentally and physically either by entering the residence of the Complainant.
- (b) To direct the respondent no. 1 to pay adequate, fair, reasonable, and appropriate lump sum payment or monthly payments of maintenance/monetary relief to meet the expenses incurred and losses suffered by the complainant and her minor daughter as a result of the domestic violence.

- (c) To pass an order restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household alienating or disposing off the shared household or encumbering the same or renouncing his rights in the shared household except with the leave of the Magistrate or pass an order directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same
- (d) To pass an order directing the respondents to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by the respondents.
- (e) To Pass any other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Delhi

Dated:

Complainant

Through

Legal-Aid-Counsel

Verification:

Verified at Delhi on ___ this day of _____October, 23, that the contents of the para no. 1 to 10 are true and correct to the best of the knowledge and belief and nothing material has been concealed therefrom.

Complainant

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...COMPLAINANT

V/s

KARAN@GUDDU AND ORS.

...RESPONDENTS

AFFIDAVIT

I, Kavita Kumari D/o Sh. Ajay Kumar R/O H.NO. FK-17, Near Hanuman Mandir Gali, Shastri Nagar, Delhi – 110052, do hereby solemnly affirm and declare as under:

1. I am the complainant in the above-mentioned matter and as such well conversant with facts and circumstances of the case, hence competent to sign and verify the present affidavit.
2. I have carefully read and understood contents of the accompanying application and the same has been drafted by my counsel. I have read and understood the contents thereof and the same are true and correct to the best of my knowledge and information

DEPONENT

VERIFICATION:

Verified at Delhi on this _____ day of October, 2023 that contents of the above affidavit are true and correct to my knowledge and belief and no part of it is false and nothing has been concealed therefrom.

DEPONENT

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...RESPONDENTS

**APPLICATION FOR INTERIM AND *EX PARTE* RELIEF U/S 23
SEEKING ORDERS FOR PROTECTION, RESIDENCE, AND
MONETARY RELIEF TO THE COMPLAINANT AND HER CHILD**

Most Respectfully Showeth: -

1. That I am the applicant in the accompanying application under section 12 read with sections 18, 19, 20, and 22 of the protection of women from domestic violence act, 2005 for myself and my minor daughter Anjali aged 2 years.
2. That the complainant has an arranged marriage with Respondent no. 1 on 30/11/2020 at Delhi. That the applicant has been constantly threatened, beaten up the respondent. That the domestic violence acts have been repeated over time and is still continued to the complainant. There is no abatement of the violence over all these years and is escalating over days.
3. That fearing for her safety the applicant has filed the accompanying application the paras of the same are not repeated herein for the sake of brevity and the same be read as part and parcel of the present application.
4. That the respondents have committed an act of domestic violence and there is a likelihood that the respondents may commit the act. The respondent no. 1 has many properties in his name and he has all means to pay any maintenance amount. That the complainant and her minor daughter will suffer irreparable loss and damage, if the interim maintenance/monetary relief/compensation is not granted *ex parte*.

PRAYER

In the light of the abovesaid reasons, it is most respectfully prayed that this Hon'ble Court may be pleased to pass *ex parte*: -

- a. Interim orders in favour of the aggrieved person and prohibit the respondents, their family members, relatives, aides and associates from committing, aiding or abetting any act of domestic violence in the commission of acts of domestic violence and causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence;
- b. Interim adequate, fair, reasonable, and appropriate lump sum payment or monthly maintenance/monetary relief and compensation orders from the respondents to the complainant and her minor daughter namely Anjali aged 2 years, till the main application is decided/disposed of.
- c. Interim residence orders restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household alienating or disposing off the shared household or encumbering the same or renouncing his rights in the shared household except with the leave of the Magistrate or pass an order directing the respondent to secure same level of alternate accommodation for the aggrieved person and her minor child as enjoyed by her in the shared household or to pay rent for the same

Any other order, as the Hon'ble Court may deem fit proper, in the interest of justice.

Delhi

Dated:

Complainant

Through

Legal-Aid-Counsel

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1. I am the complainant in the above-mentioned matter and as such well conversant with facts and circumstances of the case, hence competent to sign and verify the present affidavit.
2. I have carefully read and understood contents of the accompanying application and the same has been drafted by my counsel. I have read and understood the contents thereof and the same are true and correct to the best of my knowledge and information

DEPONENT

VERIFICATION:

Verified at Delhi on this _____day of October, 2023 that contents of the above affidavit are true and correct to my knowledge and belief and no part of it is false and nothing has been concealed therefrom.

DEPONENT