



Print This Article

Tuesday, December 11, 2007 4:11:00 AM

Permission to reprint or copy this article or photo must be obtained from www.3dsyndication.com.

Prove home violence for relief: court

Rakesh Bhatnagar

NEW DELHI: It won't be easy for women now to make wild allegations of domestic violence and walk away with interim relief. A Delhi additional sessions court has ruled that allegations of domestic violence need to be proved and victims need to face cross-examination and provide evidence in support of their charges to be liable for relief.

In the judgment on a revision petition filed by Shiwani Kabra against her husband Shaleen, judge VK Bansal said, "To come to the just conclusion about allegations and counter-allegations, it is necessary that the parties be given opportunity to lead their evidence and also to come in the witness box and face cross-examination."

Upholding the trial court's order that directed the litigating couple to appear before it and face cross-examination, Bansal said it's important that the parties are put to examination to "ascertain the veracity of the assertion made in the affidavits and truthfulness of the parties".

It is believed to be the first time that a court has tried to plug the loopholes in the law which the Supreme Court says is "clumsily drafted". The order also sets the course to be adopted in such cases in future, that is cross-examination when necessary.

"In criminal cases, an accused is supposed to be innocent till proven guilty. But in matrimonial cases, the accused is seen as guilty till proven innocence. Like the dowry laws, the DV Act is also now being misused.

Instead of settling them outside the court, disgruntled women are filing cases under the Act to settle scores with their spouses. This order will not only refrain women from filing false cases, but will also help courts come to a just conclusion," said Niloy Dasgupta, counsel for Shaleen Kabra.

Dasgupta had submitted before the MM court that truth must come out and a person must be given an opportunity to prove his/her innocence. His arguments were accepted by the courts.

Within a year of its enactment, over 7,000 cases have been filed under the DV Act.

Shaleen Kabra is a director in the Prime Minister's Office. His wife Shiwani, after 13 years of marriage, filed a case under the Protection of Women Against Domestic Violence (DV) Act, accusing him of dowry harassment.

In his reply to the Metropolitan Magistrate (MM) Court, Shaleen said Shiwani was having an affair with a man named Baldev Singh and when he caught his wife red-handed on April 8, 2007, she filed false cases to cover up her misdeeds.

Shaleen's counsel Dasgupta sought an opportunity to bring her in the witness box and face cross-examination and lead evidences. Shiwani strongly opposed that and started running away from cross-examination. However, MM Sanjay Bansal overruled her objections.

b_rakesh@dnaindia.net

[About us](#) | [Contact us](#) | [Advertise with us](#) | [Subscription](#) | [Reprint rights](#)

© 2005-2007 Diligent Media Corporation Ltd. All rights reserved.