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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 13.10.2025*+ **CRL.REV.P. 154/2024 & CRL.M.A. 3272/2024**

RAVI SHEKHAR & ORS.

.....Petitioners

Through: Mr. Dushyant Chaudhary and
Ms. Parul Saxena, Advocates

versus

AMBIKA SAROWA @ AMBIKA SHEKHAR

SUMAN

.....Respondent

Through: Mr. Rupesh Singh and Mr.
Vishal Singh, Advocates**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present petition, the petitioners are seeking setting aside of the order dated 20.10.2023 [hereafter '*impugned order*'], passed by the learned Additional Sessions Judge-07, Patiala House Court, New Delhi [hereafter '*Sessions Court*'] *vide* which the appeal (CA No. 112/2022) under Section 29 of the Protection of Women from Domestic Violence Act, 2012 [hereafter '*PWDV Act*'] preferred by the petitioners herein was dismissed, and the order dated 12.05.2022 passed by the learned Metropolitan Magistrate, Mahila Court-02, Patiala House Court, New Delhi [hereafter '*Magistrate*']



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was upheld.

2. Briefly stated, the facts of the present case are that the marriage between the complainant/respondent and Sh. Shekhar Suman, i.e. son of petitioner nos. 1 and 2 was solemnized on 12.02.2020 in Delhi according to Hindu rites and customs. The marriage was a love marriage, as the parties had known each other for the past 11 years and had been in a relationship for about 3 years prior to their marriage. The complainant initially lived in the shared household with the husband, and petitioner no. 1 (father-in-law), petitioner no. 2 (mother-in-law) and petitioner no. 3 (unmarried sister-in-law), till 10.06.2020, after which she alongwith her husband shifted to a rented accommodation. However, barely six days thereafter, the complainant left the house on account of alleged cruelty, after which she filed several complaints before different authorities.

3. Eventually, on 05.01.2021, the respondent filed a complaint under Section 12 of PWDV Act before the learned Magistrate, wherein she has alleged that she and her husband had first met in a law firm where the complainant was employed in the accounts department and the husband was working as a stenographer. Thereafter, the husband and his family had approached the family of the complainant with a proposal of marriage, after which, their marriage had been solemnized. However, it is alleged that on the day of the *roka* ceremony, the family members of the husband had demanded cash from the complainant and her family members to



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purchase a new car. Furthermore, soon after the marriage, when the complainant began residing at her matrimonial home, she was allegedly subjected to mental cruelty, harassment, physical assault, sexual abuse, and persistent taunts by her husband and in-laws (i.e. the petitioners) on account of bringing insufficient dowry. In a clandestine manner, she was then shifted to a renter accommodation where she lived barely for six days, after which she was thrown out. Broadly on these allegations, the respondent had filed the complaint under Section 12 of PWDV Act.

4. Further, on the complaint of the respondent herein, an FIR bearing no. 15/2021 was also registered at P.S. RK Puram, Delhi against the husband and the petitioners herein, for commission of offence punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 [hereafter 'IPC'].

5. On 09.03.2022, the present petitioners filed an application before the learned Magistrate, seeking deletion of their names from the array of parties in the application/complaint filed under Section 12 of PWDV Act, on the ground that there were no allegations of domestic violence against them. The said application came to be dismissed by the learned Magistrate *vide* order dated 12.05.2022 wherein it was observed as under:

“....The bare perusal of the complaint filed U/s 12 of PWD Act reveals that the complainant has made specific allegations of domestic violence committed by the respondent no.2 to 4. Even the report filed by the Protection Officer reveals that the respondent no. 2 resided alongwith the complainant. Various



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incidents of domestic violence caused by respondent no.2 to 4 have been narrated in the report filed by the Protection Officer. The truth and falsity of the allegation in the complaint cannot be decided at this stage and the same is matter of trial. Therefore, in the opinion of the court, no ground for deletion of name of respondent no.2 to 4 from array of parties is made out at this stage. Hence, the present application is dismissed...”

6. Aggrieved thereof, the petitioners filed the appeal under Section 29 of PWDV Act before the Sessions Court, but the same was also dismissed by way of the impugned order dated 20.10.2023, and the learned Sessions Court *inter alia* observed as under:

“...17.Relevantly, a perusal of trial court records demonstrates that the Ld. Magistrate had duly applied mind while passing the impugned order, considering the averments made in the respondent's complaint u/s 12 of DV Act and the DIR filed by the Protection Officer to conclude that various incidents of domestic violence stood narrated against the appellants by the respondents. Further, even this Court as aforementioned, has observed several specific allegations against the appellants in the respondent's complaint u/s 12 of DV Act as well as the DIR. Undoubtedly, the veracity of the said allegations cannot be determined by this Court at this stage and the same is a subject matter of trial. On the contrary, from the records prima facie case against the appellants appears to be established against the appellants herein which was duly considered by the Ld. Magistrate by passing the impugned order. Clearly, it is not expected from the Ld. Magistrate to embark upon an inquiry into the veracity of the allegations at the time of summoning as well as at the stage of determination of the application of parties seeking the deletion of their names from the array of memo of parties of the complaint. The disputed question of fact(s) are to be settled at trial and not at such nascent stages of proceedings. Thus, in light of the above discussions, this court finds no infirmity in the order dated 12.05.2022 passed by Ld. Metropolitan Magistrate (Mahila Court-02), Patiala House Courts, New Delhi in CC No. 36/2020

18. With the above reasoning, present appeal bearing no.112/22 stands dismissed...”



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7. Assailing the aforesaid impugned order before this Court, the learned counsel appearing on behalf of the petitioners has contended that the learned Magistrate as well as Sessions Court have not exercised their judicial discretion in a just, proper, and fair manner. It has been argued that the respondent had lived with the petitioners only from 12.02.2020 till 10.06.2020 and during this period, there is no complaint in any manner against the petitioners, and since she wanted to live separately from the petitioners, she had shifted to a rented accommodation on 10.06.2020 with her husband, only after which the present complaint was filed. It has been vehemently argued that in the FIR which was registered on the complaint of respondents, the petitioner nos. 2 and 3 were granted anticipatory bail by the Sessions Court on 17.07.2021 by observing that no offence of any kind had been committed by these petitioners and the investigating officer did not want to arrest them. It has also been contended that there is no allegation against the petitioners in the statement of the respondent recorded under Section 164 of the Cr.P.C. on 23.10.2021. Further, the learned counsel has argued that at the time of granting anticipatory bail to the husband, the learned Sessions Court observed in order dated 18.12.2021 that the injuries in the MLC of the respondent were old and not of the alleged incident, and it was also noted that no complaint had been made to the police or any other authority concerning the alleged fabrication of documents under coercion by the respondent earlier. It has thus been prayed that the impugned orders be set aside and the petitioners' names be deleted



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from the complaint pending under Section 12 of PWDV Act as they have not committed any act of domestic violence against the respondent and the entire dispute, if any, is between the respondent and her husband.

8. On the other hand, the learned counsel appearing for the respondent has argued that the present petition is devoid of merit and the impugned orders dated 12.05.2022 and 20.10.2023, passed by the learned Magistrate and the learned Sessions Court respectively are based on a careful consideration of the contents of the complaint, Domestic Incident Report (DIR), and other material on record. It has been argued that the application seeking deletion of names of petitioners herein was rightly dismissed, given the specific allegations of physical, mental, and dowry-related abuse, harassment, and humiliation. It has been contended that at the time of marriage, the respondent's father had been compelled to pay Rs. 5,00,000/- in cash along with electronic goods and household articles. Further, from the outset, the respondent had faced verbal abuse, physical assault, sexual torture, humiliation, restrictions on movement, illegal surveillance in the rented flat, etc., which are clearly mentioned in the complaints filed by the respondent before various authorities. The learned counsel has also contended that the complaint under PWDV Act mentions specific allegations against the petitioners herein and thus, the present petition deserves to be dismissed.

9. This Court has **heard** arguments addressed by the learned counsel appearing for the petitioners as well as the respondent, and



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has perused the material available on record.

10. The petitioners before this Court are that father-in-law, mother-in-law and the sister-in-law of the respondent/complainant, who used to reside in the same household with the respondent and her husband. It is their case that the record reveals no specific allegations of cruelty and domestic violence against them, on which ground their names should be ordered to be deleted from the complaint filed by the respondent under Section 12 of PWDV Act.

11. However, this Court is unable to accede to any of the contentions raised on behalf of the petitioners, as the material on record points to the contrary. A bare perusal of the complaint under PWDV Act reveals that the respondent has alleged that on the day of reception itself, she had been slapped by her husband for not covering her head with a *pallu* at the instigation of petitioners nos. 2 and 3 [*paragraph 6(i)*]. She has further alleged that the husband as well as the petitioners herein had demanded dowry/cash from her and her family members on the *roka* ceremony for buying a new car, and her father had given Rs. 5 lakhs to them [*paragraph 6(iii)*].

12. It is further averred in the complaint that soon after the marriage, her mother-in-law (petitioner no. 2) compelled her to wear a saree and maintain a long veil at all times within the household and taunted her by saying, “*Yeh tere baap ka ghar nahi hai jo modern tareeke se jiyegi*” [*paragraph 6(iv)*]. The respondent has further alleged that on 23.02.2020, the petitioners herein subjected her to



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harassment and cruelty in connection with unlawful demands of dowry and over trivial issues relating to clothes; instigated her husband to act with hostility and aggression towards her; and acting on such instigation, the husband allegedly dragged her down the staircase, thereby causing her to fall and sustain a twisted ankle [paragraph 6(ix)].

13. It has also been alleged by the respondent that she was frequently denied proper food and was not even permitted to take anything from the refrigerator, as petitioner no. 2 used to keep the keys in her exclusive possession at all times, and she used to humiliate and harass the respondent in front of guests by passing remarks such as “*dekhiye behenji kaisa zamana hamari bahu bhi yeh kaise bhadde kapde pehenti*” [paragraph 6(xi)]. Similarly, the respondent has also alleged that many times, the petitioner no. 2 used to deny food to her and taunt her by saying, “*Rashan apne ghar se le kar aa, tu bohot khati hai*” [paragraph 6(xiii)].

14. She has further alleged that on 16.04.2020, her father-in-law, i.e. petitioner no. 1, had forcibly confiscated her laptop, brandished a knife to intimidate her, and compelled her to resign from her employment. It is further stated that both petitioner nos. 1 and 2 had forcibly taken away her mobile phone. Petitioner no. 1 is further alleged to have incited the husband by saying, “*Vicky, phone cheen le iska... check kar number iska... kis se baat karti hai... maar isko do thappad, akal theekane aa jaayegi.*” When the respondent/wife had demanded the return of her phone and laptop, petitioner no. 1 had



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allegedly slapped her and inappropriately grabbed her chest in the presence of her husband and petitioner no. 2 and passed sexually coloured remarks. Petitioner no. 1 is also alleged to have stated to his son “*Vicky woh teri revolver kis din kaam aayegi deekha uski shakal isko, abhi nikal jayegi iski aur iskee family ki hawa..*” [paragraph 6(xvi)].

15. It is further alleged that petitioner no. 1 had violated her privacy on several occasions by entering her room while she was changing clothes [paragraph 6(xvii)]. Further, it is alleged by the respondent that petitioner no. 1 always used to harass the complainant for bringing less dowry and used to ask her to bring Rs. 10 lakhs more in cash [paragraph 6(xviii)]. Further, on 10.06.2020, it is alleged that the petitioners herein had forcibly compelled the complainant to affix her thumb impression on a document dated 16.04.2020, and thereafter, she was evicted from the rented accommodation, following a stay of six days [paragraph 6(xix)]. It is also the case of respondent that at the instigation and abetment of the petitioners herein, her husband used to repeatedly subject her to emotional, physical and sexual abuse.

16. Therefore, it is evident from the contents of the complaint that the respondent has made specific allegations pertaining to emotional/mental and physical abuse as well as harassment for the purpose of demanding dowry, against the petitioners herein.

17. As regards the argument of the petitioners that the respondent



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had resided with them only from 12.02.2020 to 10.06.2020, and that no complaint was lodged against them during this period, the same has been rightly rejected by the learned Sessions Court. Even if the respondent-wife had filed her complaint after leaving the shared household where the petitioners were residing, the allegations in the said complaint pertain to incidents that occurred while they were all living together in the shared household, i.e., between 12.02.2020 and 10.06.2020. Therefore, the contention that the petitioners and the respondent were not residing in the shared household at the time of her separation from her husband or at the time of filing the complaint is misplaced and without merit.

18. With respect to the reliance placed by the petitioners on the bail order dated 17.07.2021, the learned Sessions Court has rightly noted in the impugned order that the said bail order, granting bail to petitioner nos. 2 and 3, does not record any finding that there were no allegations against them. Rather, bail was granted primarily based on the submission of the Investigating Officer that their custodial interrogation was not required. In any event, the contents of the FIR registered at the instance of the respondent are not under consideration before this Court; what is in question are the contents and allegations set forth in the complaint filed under the PWDV Act. Thus, reliance on observations made in the bail order relating to the FIR is misconceived, especially since observations in a bail order are only *prima facie* and made on considerations different from those relevant to the present proceedings.



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19. Nevertheless, whether or not the allegations levelled by the respondent are true, is not to be considered at this stage, as proving the veracity of these allegations is a matter of trial. At this stage, since the petitioners seek deletion of their names as respondents in the complaint under Section 12 of PWDV Act, it is only to be seen whether there are *prima facie* allegations of domestic violence against them.

20. In view of foregoing discussion, this Court finds no illegality or perversity in the impugned orders passed by the learned Magistrate or the Sessions Court warranting any interference by this Court in exercise of revisional jurisdiction, as there are specific allegations against the petitioners herein in the complaint filed under PWDV Act.

21. The petition, alongwith pending application, if any, is accordingly dismissed.

22. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

23. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 13, 2025/zp