

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case:- CRM(M) No. 1126/2025
CrlM No. 2087/2025
CrlM No. 2357/2025

Date of Pronouncement: 13.02.2026
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1. Raghubir Singh Age 71 years
S/o Sh. Balak Ram
 2. Neelam Kumari Age 65 years
W/o Sh. Raghubir Singh
 3. Pooja Thakur W/o Surinder singh
D/o Raghubir Singh at present
Panhar Kalakote Rajouri
All residents of Village Siot,
Tehsil Siot, District Rajouri
- Appellant(s)/Petitioner(s)

Through: Mr. Ghara Kumar, Advocate

vs

Shivani Thakur W/o Sh. Suraj Singh
D/o Sh. Yashpal Singh
R/o Village Siot A/P Kotera Jagir,
Tehsil Nowshera, District Rajour.

..... Respondent(s)

Through: Mr. Shariq Mehmood, Advocate

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

13.02.2026

1. Heard learned counsel for the parties and perused the record.
2. It appears that the respondent, Shivani Thakur, initiated proceedings under Section 12 of the Domestic Violence Act against the present petitioners as well as her husband, Suraj Singh, alleging that she married Suraj Singh in the year 2022 and began residing at her matrimonial home at Village Siot, Tehsil Siot, District Rajouri in June 2022.

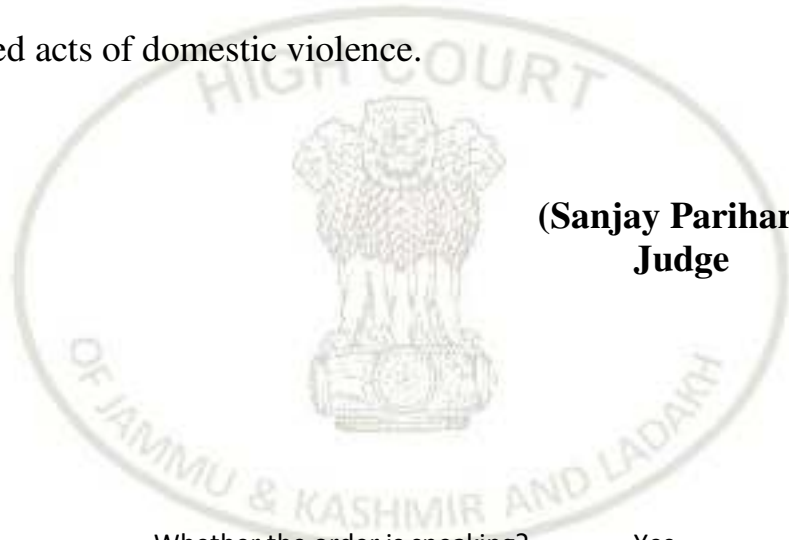
3. She further submits that while her husband, who is serving in the Army, was away on duty, she found a pen drive containing certain objectionable material reflecting improper conduct on the part of her husband. When she shared this with her mother-in-law, instead of admonishing her son, the mother-in-law allegedly sided with him and began maltreating the respondent. Despite confronting her husband, he allegedly did not admit his fault and snatched her mobile phone. Thereafter, all the petitioners, including her husband, allegedly began harassing and torturing her and subjected her to cruel treatment throughout the day. She further alleges that petitioner No. 1, Raghubir Singh (father-in-law), had an evil eye on her and attempted to molest her by forcibly entering her bedroom in the absence of her husband. When she reported this to her husband, he allegedly paid no heed. Subsequently, petitioner No. 2, Neelam Kumari (mother-in-law), allegedly took away her jewellery, including her Mangal sutra, and threw her out of the matrimonial home. On these allegations, she filed a petition under the Domestic Violence Act, which is challenged in the present petition.
4. Learned counsel for the petitioners submits that petitioner No. 1, Raghubir Singh, claims that the respondent left the house on her own. He lodged a report with the SHO, Police Station Siot, stating that on 22.07.2024 at about 12:00 PM, when he returned home after visiting relatives, he found that the respondent had left for an unknown place and her phone number was switched off.

5. Learned counsel for the respondent further submits that the respondent-wife had also filed a complaint against her husband before the Army authorities alleging harassment and maintaining illicit relations with other women during his leave. She also mentioned that her father is poor with no source of income and that her mother is suffering from blood cancer.
6. It is further borne out from the record that the husband served a legal notice dated 11.03.2025 upon the respondent alleging that she had lodged a false complaint before the Army authorities, which had recommended counselling of both parties. Through the said notice, the husband called upon the respondent to resume matrimonial obligations, failing which he would institute a suit for restitution of conjugal rights before the competent court.
7. It appears that a matrimonial dispute exists between the respondent and her husband, wherein acts of omission and commission have been alleged against the petitioners. Petitioner No. 1, Raghubir Singh, is the father-in-law; petitioner No. 2, Neelam Kumari, is the mother-in-law; and petitioner No. 3, Pooja Thakur, is the sister of Suraj Singh (husband of the respondent).
8. During the course of hearing, learned counsel for the respondent submitted that the allegations are matters for trial and cannot be discarded at face value as false. On the other hand, learned counsel for the petitioners vehemently argued that the allegation of molestation against the father-in-law is an afterthought intended to tarnish his image and that the accusation regarding deprivation of jewellery is similarly concocted.

9. Be that as it may, whether the petition under Section 12 of the Domestic Violence Act discloses sufficient grounds to proceed against the petitioners is a matter to be determined by the Trial Court. This Court, while exercising inherent jurisdiction, cannot substitute itself as a court of facts or assess the probative value of allegations and counter-allegations. It is also noted that the respondent not only initiated proceedings under the Domestic Violence Act but also lodged a complaint before the Army authorities, and the Army Welfare Association recommended counselling for amicable settlement.
10. The provisions of the Domestic Violence Act have been enacted to protect an aggrieved person from domestic violence. Given the allegations in the petition, it cannot be said at this stage that they are false or frivolous insofar as petitioner Nos. 1 and 2 are concerned. However, as regards petitioner No. 3, there appears to be no specific material indicating her involvement in acts of domestic violence. Admittedly, she is married and not shown to be residing with the parents so as to have participated in the alleged acts.
11. It is settled law that inherent powers should not be exercised to stifle a legitimate prosecution. While exercising such jurisdiction, this Court cannot give findings on the existence of a prima facie case where allegations and counter-allegations require evidence. Issues involving disputed questions of fact must be adjudicated upon during a full-fledged trial. This Court finds no ground to quash the proceedings under the Domestic Violence Act against petitioner Nos. 1 and 2. However, insofar as

petitioner No. 3 is concerned, the petition does not disclose any substantial ground against her.

- 12.** Consequently, the petition is partly allowed. The proceedings under the Domestic Violence Act are quashed to the extent of petitioner No. 3. However, proceedings against petitioner Nos. 1 and 2 shall continue and be taken to their logical conclusion by the Trial Court in accordance with law. The argument that proceedings should be restricted only to the husband is rejected, as the Domestic Violence Act permits initiation of proceedings not only against the husband but also against relatives alleged to have committed acts of domestic violence.



Jammu
13.02.2026
Nikhil

Whether the order is speaking?	Yes
Whether the order is reportable?	No