

**A.F.R.****IN THE HIGH COURT OF ORISSA AT CUTTACK****CRLMC No.2785 of 2025**

(In the matter of an application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 of Criminal Procedure Code, 1973).

Punyasloka Das & Ors. *Petitioner(s)*
-versus-

State of Odisha & Anr. *Opposite Party (s)*

Advocates appeared in the case through Hybrid Mode:

For Petitioner(s) : *Ms. Sadaya Laxmi Patnaik, Adv.*
Ms. Debajani Das, Adv.

For Opposite Party (s) : *Ms. Sarita Moharana, ASC,*
Mr. Swarup Kumar Patnaik, Adv.

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-19.05.2026

DATE OF JUDGMENT:-25.06.2026

Dr. Sanjeeb K Panigrahi, J.

1. The Petitioner has invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of the entire proceeding in DVCMC No. 98 of 2025 pending before the learned J.M.F.C., COG-IV, Cuttack. The impugned proceeding has been instituted by Opposite Party No.



2, who is the elderly mother-in-law of the Petitioner, by filing an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, “the D.V. Act”), alleging acts constituting domestic violence and seeking the reliefs contemplated thereunder.

I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:

- (i) The daughter of Petitioner Nos. 1 and 2, namely Smt. Amrita Das, was married to the son of Opposite Party No. 2, namely Vikram Keshari Sahu, on 23.06.2023 in accordance with Hindu rites and customs. Following the marriage, the couple resided predominantly at their matrimonial residence in Bengaluru, Karnataka. Out of the said wedlock, twin female children were born on 08.03.2024.
- (ii) It is alleged in the case records that serious matrimonial discord arose between the spouses shortly after the marriage. According to Opposite Party No. 2, her daughter-in-law, at the alleged instigation of the present Petitioners, who are her parents and brother, subjected her son as well as her late husband to persistent mental cruelty and emotional distress.
- (iii) It is further alleged that following the illness and eventual demise of the father-in-law on 07.11.2024, tensions within the family escalated. During the performance of the *Shradha* and allied post-funeral rituals at Cuttack, the present Petitioners allegedly failed to cooperate with the family members, behaved



in an unbecoming manner, and, in the course of an altercation, physically pushed Opposite Party No. 2 in the presence of relatives and neighbours.

- (iv) The present dispute primarily stems from an incident alleged to have occurred on 20.06.2025. According to Opposite Party No. 2, at about 12:00 noon on the said date, the Petitioners unlawfully entered her shared household situated at Bali Sahi, Nuapada, Cuttack. It is alleged that they abused her in filthy and derogatory language, held her responsible for the marital discord between the spouses, and thereafter assaulted her physically. Opposite Party No. 2 further alleged that the Petitioners threatened her with dire consequences and attempted to intimidate her into vacating the house.
- (v) On the basis of the aforesaid allegations, Opposite Party No. 2 lodged Madhupatna P.S. F.I.R. No. 173 of 2025 on 23.06.2025 against the Petitioners for the alleged commission of offences punishable under Sections 126(2), 115(2), 296, 351(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The records further disclose that on the following day, Petitioner No. 1 lodged a counter F.I.R. bearing No. 175 of 2025 against Opposite Party No. 2 alleging similar acts and invoking substantially the same provisions of the BNS, thereby giving rise to cross-criminal cases between the parties.
- (vi) In the meantime, the Protection Officer prepared a Domestic Incident Report (DIR) on the basis of the allegations made by



Opposite Party No. 2 and forwarded the same to the Court of the learned J.M.F.C., COG-IV, Cuttack on 26.06.2025.

- (vii) Upon perusal of the application, the Domestic Incident Report, and the accompanying materials, the learned Magistrate found a prima facie case of domestic violence involving allegations of physical, verbal, and emotional abuse and, accordingly, issued notice to the Petitioners under Section 13(1) of the Protection of Women from Domestic Violence Act, 2005 by order dated 02.07.2025.
- (viii) Assailing the initiation of the said proceeding and the assumption of jurisdiction under the D.V. Act in respect of the present allegations, the Petitioners have approached this Court by filing the present petition.

Being aggrieved by the aforesaid facts and circumstances, the Petitioner has been constrained to approach this Court by way of the present criminal appeal.

II. SUBMISSIONS ON BEHALF OF THE PETITIONER:

3. The learned counsel for the Petitioner respectfully and earnestly made the following submissions in support of his contentions:
- (i) The Petitioner contends that the foundational requirements prescribed under Sections 2(f), 2(s), and 2(q) of the Protection of Women from Domestic Violence Act, 2005 are wholly absent in the present case.
- (ii) It is submitted that Petitioner Nos. 1 and 2 are the parents of the daughter-in-law, while Petitioner No. 3 is her brother, and



therefore they stand completely outside the domestic framework of Opposite Party No. 2. According to the Petitioners, they have never resided with Opposite Party No. 2 in a shared household, nor have they at any point of time maintained a domestic relationship with her within the meaning of the D.V. Act. In the absence of such essential jurisdictional facts, it is argued that the very initiation of proceedings under the D.V. Act against the Petitioners is legally unsustainable.

- (iii) Learned counsel for the Petitioners further contended that the present proceeding is not maintainable in law as Opposite Party No. 2, being the mother-in-law of the daughter of Petitioner Nos. 1 and 2, cannot invoke the provisions of the D.V. Act against the latter and their son. It is argued that the relationship between the parties is too remote to fall within the statutory concept of a "domestic relationship" contemplated under the Act.
- (iv) According to the Petitioners, there exists neither any consanguineous nor marital nexus giving rise to a shared household arrangement between Opposite Party No. 2 and the Petitioners. In the absence of such foundational relationship, the Petitioners submit that the provisions of the D.V. Act cannot be extended to cover disputes between an elderly mother-in-law and the parents or sibling of her daughter-in-law.
- (v) Learned counsel for the Petitioners further submitted that the allegations forming the basis of the impugned proceeding are



wholly false, concocted, and inherently inconsistent. According to the Petitioners, the complaint has been engineered as an afterthought with a view to counterbalance the matrimonial disputes subsisting between the spouses and to exert pressure upon the family members of the daughter-in-law. It is contended that the allegations do not withstand even a prima facie scrutiny and are bereft of any credible supporting material.

- (vi) It is further argued that the incident alleged to have occurred on 20.06.2025 is demonstrably doubtful inasmuch as the daughter-in-law was, on the said date, stationed at Bengaluru in connection with her employment and was not physically present at Cuttack. The Petitioners therefore contend that the allegations have been deliberately exaggerated and woven into the complaint with an oblique motive to implicate the entire family of the daughter-in-law.
- (vii) Learned counsel for the Petitioners, placing reliance upon various decisions of Coordinate Benches of this Court as well as other High Courts, contended that the sine qua non for maintaining a proceeding under the Protection of Women from Domestic Violence Act, 2005 is the existence of a demonstrable domestic relationship and a shared household between the aggrieved person and the respondents.
- (viii) It is submitted that the materials placed on record do not disclose any credible or specific allegations establishing such domestic connectivity between Opposite Party No. 2 and the



present Petitioners. According to the learned counsel, the Petitioners are merely extended relatives of the daughter-in-law and no overt act attributable to them within the framework of a shared household has been pleaded with the degree of specificity required in law. In such circumstances, it is argued that the continuation of the proceeding would amount to a misuse of the statutory process and an abuse of the process of the Court.

III. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTIES:

4. *Per contra*, the learned counsel for the Opposite Parties earnestly made the submission that the present CRLMC is not maintainable before this Court and deserves to be rejected in limine.

- (i) The Opp. Parties submits that the Protection of Women from Domestic Violence Act, 2005 is a beneficial and socially remedial legislation enacted with the avowed object of affording effective protection to women who are subjected to violence, abuse, or harassment within the domestic sphere. It is contended that the Act is intended to address violence in all its manifestations, physical, verbal, emotional, economic, and psychological, and, therefore, its provisions warrant a liberal and purposive interpretation so as to advance the legislative object rather than defeat it through a narrow or hyper-technical construction.
- (ii) The Opp. Party further submits that Section 2(a) of the Protection of Women from Domestic Violence Act, 2005 defines an “aggrieved person” to mean any woman who is, or has been,



in a domestic relationship and who alleges to have been subjected to any act of domestic violence.

- (iii) It is contended that Opposite Party No. 2, a widowed senior citizen, squarely falls within the ambit of the said provision, having alleged specific acts of physical assault, verbal abuse, intimidation, and emotional trauma at the hands of the Petitioners. According to the learned counsel, the allegations disclose that Opposite Party No. 2 was subjected to acts of violence and criminal intimidation within the precincts of her own residence, thereby attracting the protective umbrella of the D.V. Act.
- (iv) To buttress the argument the Opp. Party placed the reliance in the Supreme Court Judgment in *Hiral P. Harsora v. Kusum Narottamdas Harsora*¹ and *Prabha Tyagi v. Kamlesh Devi*² it is submitted that the definition of domestic violence under Section 3 is gender-neutral, and the scope of "respondents" under Section 2(q) has been significantly widened by deleting the restrictive words "adult male". Extended family relatives who cause disruptions, issue death threats, and assault an elderly relative over an ongoing matrimonial conflict can be legally arrayed as respondents.
- (v) The Opp. Party further submits that the allegations levelled against the Petitioners are specific, definite, and supported by

¹ (2016) 10 SCC 165

² (2022) 8 SCC 90



the Domestic Incident Report submitted by the Protection Officer. It is contended that the report expressly records allegations that the Petitioners dragged the complainant, caused injury to her spinal region, abused and intimidated her, and demanded that she vacate her own residence. According to the learned counsel, such allegations disclose acts of physical, verbal, and emotional abuse and cannot be dismissed as vague or omnibus accusations.

- (vi) Learned counsel further argued that the alleged incidents do not constitute isolated private disputes between unrelated individuals but are intrinsically connected with the matrimonial discord and the consequent friction between the two families. The acts complained of are stated to have arisen directly from the strained familial relationship between the parties and, therefore, fall within the ambit of matters contemplated under the D.V. Act.
- (vii) It is also submitted that the defenses sought to be projected by the Petitioners, including the plea of alibi, factual inconsistencies, and the alleged improbability of the occurrence, raise disputed questions of fact requiring appreciation of evidence. Such matters, according to the learned counsel, are within the exclusive province of the learned Magistrate conducting the proceeding and cannot be adjudicated in exercise of the inherent jurisdiction under Section 482 Cr.P.C./Section 528 BNSS. It is, therefore, contended that the



petition for quashing is premature and devoid of merit and that the parties should be relegated to establish their respective stands before the competent court in accordance with law.

IV. COURT'S REASONING AND ANALYSIS:

5. Heard Learned Counsel for parties and perused the documents placed before this Court.
6. It is a well-settled principle of law that while exercising its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, the High Court is not expected to undertake a meticulous examination of the reliability, admissibility, or sufficiency of the evidence collected during the course of investigation. The inherent power preserved under the said provision is intended to prevent abuse of the process of the Court and to secure the ends of justice, and not to conduct a pre-trial adjudication on the merits of the prosecution case.
7. It is equally well settled that disputed questions of fact, rival versions of the parties, and matters requiring detailed scrutiny of documentary or oral evidence cannot ordinarily be adjudicated in proceedings under Section 482 Cr.P.C. The inherent jurisdiction cannot be converted into a forum for conducting a mini-trial or for evaluating the defence of the accused at a premature.
8. The Protection of Women from Domestic Violence Act, 2005 is a beneficial and socially transformative legislation enacted with the avowed object of providing effective and immediate civil remedies to women who are subjected to domestic violence within the domestic



sphere. The statute seeks to secure the dignity, safety, and economic security of women and, therefore, deserves a purposive and liberal interpretation consistent with its legislative intent.

9. At the same time, it is equally well settled that proceedings under the Act must be dealt with by courts with due judicial circumspection and sensitivity. While the legislative object of affording protection to aggrieved women must be zealously preserved, the statutory mechanism cannot be permitted to be invoked in a manner that results in harassment of persons against whom no prima facie case is disclosed. The beneficial nature of the enactment does not dispense with the requirement that the foundational ingredients prescribed under the Act must be satisfied before a person is subjected to its jurisdiction.
10. The courts are therefore duty-bound to strike a delicate balance between safeguarding the rights of genuinely aggrieved women and preventing misuse of the statutory process. Judicial scrutiny becomes particularly necessary where allegations are vague, omnibus, or unsupported by the essential elements necessary to attract the provisions of the Act. In such circumstances, the Court must ensure that the salutary object of the legislation is not diluted by its invocation in cases falling outside its legitimate statutory framework.
11. In the present case, the Petitioners have invoked the inherent jurisdiction of this Court seeking quashment of the proceedings in D.V.C.M.C. No. 98 of 2025 on the specific ground that the foundational requirements necessary for invocation of the Protection



of Women from Domestic Violence Act, 2005 are conspicuously absent. According to the Petitioners, no domestic relationship, as contemplated under Section 2(f) of the Act, ever existed between them and Opposite Party No. 2, nor did they reside together in a shared household within the meaning of Sections 2(q) and 2(s) of the Act.

12. Similar intention is echoed by the Supreme Court in ***Hiral P. Harsora v. Kusum Narottamdas Harsora***³, wherein it was held that:

“20. It will be noticed that the definition of “domestic relationship” contained in section 2(f) is a very wide one. It is a relationship between persons who live or have lived together in a shared household and are related in any one of the four ways-blood, marriage or a relationship in the nature of marriage, adoption, or family members of a joint family. A reading of these definitions makes it clear that domestic relationships involve persons belonging to both sexes and includes persons related by blood or marriage. This necessarily brings within such domestic relationships made as well as female in-laws, quite apart from male and female members of a family related by blood.

21. when Section 3 of the Act defines “domestic violence”, it is clear that such violence is gender neutral. It is also clear that physical abuse, verbal abuse, emotional abuse and economic abuse can all be by women against other women. Even sexual abuse may, in a given fact and circumstances, be by one woman on another.”

13. The gravamen of the Petitioners' contention is that they are the parents and brother of the daughter-in-law of Opposite Party No. 2 and, therefore, stand outside the domestic framework envisaged under the statute. It is urged that the mere existence of a matrimonial

³ (2016) 10 SCC 165



relationship between their daughter and the son of Opposite Party No. 2 does not, by itself, create a domestic relationship between the Petitioners and the complainant so as to attract the provisions of the Act.

14. A perusal of the record reveals that the Protection Officer, upon conducting the requisite inquiry, prepared and forwarded a Domestic Incident Report (DIR) dated 26.06.2025 to the learned trial Court. The said report contains specific allegations of physical assault, injury to the spinal region, verbal abuse, intimidation, and threats allegedly perpetrated against Opposite Party No. 2 within the confines of the residential premises. The allegations are not couched in vague or generalized terms but set out distinct acts which, if accepted at their face value, fall within the broad contours of "domestic violence" as contemplated under the Protection of Women from Domestic Violence Act, 2005.
15. The record further discloses that the incident in question resulted in the lodging of cross-F.I.Rs. by the rival parties, thereby demonstrating the existence of a live and contemporaneous dispute arising out of the same transaction. The presence of such cross-complaints lends prima facie support to the existence of a factual controversy requiring adjudication and militates against a summary determination of the rival claims at this preliminary stage.
16. At the stage of considering a petition under Section 482 Cr.P.C., this Court is not required to embark upon an enquiry into the truthfulness or otherwise of the allegations. The only consideration is whether the



materials placed on record disclose a prima facie case warranting further examination by the competent court. Viewed from that perspective, the specific allegations incorporated in the Domestic Incident Report, read in conjunction with the surrounding circumstances and the contemporaneous criminal complaints lodged by both sides, prima facie disclose acts capable of attracting the provisions of the D.V. Act and justify the continuation of the proceedings for adjudication in accordance with law.

17. The Court places reliance upon the decision of the Supreme Court in *Shaurabh Kumar Tripathi v. Vidhi Rawal*,⁴, wherein it was held that:

“35. When it comes to exercise the power under Section 482 of the CrPC in relation to application under section 12(1), the High Court has to keep in mind the fact that the DV Act, 2005 is a welfare legislation specially enacted to give justice to those women who suffer from domestic violence and for preventing acts of domestic violence. Therefore, while exercising jurisdiction under Section 482 of the CrPC for quashing proceedings under Section 12(1), the High Court should be very slow and circumspect. Interference can be made only when the case is clearly of gross illegality or gross of the process of law. Generally, the High Court must adopt a hands-off approach while dealing with proceedings under Section 482 for quashing an application under Section 12(1). Unless the High Courts show restraint in the exercise of jurisdiction under Section 482 of the CrPC while dealing with the prayer for quashing the proceedings under the DV Act, 2005, will be defeated.”

18. Accordingly, this Court is of the considered view that the allegations contained in the Domestic Incident Report cannot, at this stage, be

⁴ 2025 SCC OnLine SC 1158



discarded as inherently improbable or legally untenable so as to warrant interference in exercise of the inherent jurisdiction of this Court.

19. The contentions advanced by the Petitioners with regard to alleged factual inconsistencies, falsity of the accusations, and their plea of alibi are essentially matters of evidence, the determination of which necessarily requires a detailed examination of facts and appreciation of materials that may be adduced by the parties during the course of the proceedings. Such issues are inherently disputed in nature and cannot be conclusively adjudicated at the threshold in a petition invoking the inherent jurisdiction of this Court.
20. It is a settled principle of law that questions relating to the truthfulness of allegations, credibility of witnesses, existence of contradictions, or the acceptability of a defence such as alibi fall squarely within the province of the trial court, which alone is competent to evaluate the evidence after affording both parties a full opportunity to establish their respective cases. The jurisdiction under Section 482 Cr.P.C./Section 528 BNSS is not intended to facilitate a premature adjudication of disputed factual issues or to substitute the statutory process of trial.
21. This Court, while exercising its inherent powers, is not expected to conduct a roving enquiry into the merits of the rival versions or assess the evidentiary worth of the materials placed by either side. To do so would amount to entering upon an impermissible arena reserved exclusively for the learned trial Magistrate and would effectively



convert the present proceeding into a mini-trial at the pre-adjudicatory stage.

22. In the facts of the present case, the defences sought to be projected by the Petitioners are matters requiring evidentiary scrutiny and judicial determination upon consideration of the entire factual matrix. Such pleas cannot furnish a valid basis for invoking the extraordinary jurisdiction of this Court to terminate, at the threshold, a proceeding instituted under a socially beneficial and remedial legislation. Consequently, this Court finds no justification to pre-judge the disputed factual issues or to stifle the proceedings in limine on the basis of defences that are yet to be tested in accordance with law.

V. CONCLUSION:

23. In view of the foregoing discussion and upon an anxious and careful consideration of the facts and circumstances of the case, this Court is of the considered opinion that the rival submissions advanced by the parties, the materials available on record, and the statutory scheme underlying the Protection of Women from Domestic Violence Act, 2005, this Court is of the considered opinion that the learned J.M.F.C., COG-IV, Cuttack, committed no illegality, irregularity, or jurisdictional error in taking cognizance of the Domestic Incident Report and proceeding to issue notice under Section 13(1) of the Act.
24. In the considered view of this Court, the course adopted by the learned Magistrate is fully in consonance with the object and procedure contemplated under the Act. Consequently, no ground is



made out for interference with the impugned order in exercise of the inherent jurisdiction of this Court.

25. Accordingly, the CRLMC stands **dismissed**.
26. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

*Orissa High Court, Cuttack,
Dated 25th June, 2026/*