

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

DECIDED ON : DECEMBER 03, 2015

+ CRL.REV.P. 553/2015

SWATI MISHRA

..... Petitioner

**Through : Mr.Pradeep Kumar Mathur,
Advocate.**

versus

LEENA GUPTA & ANR

..... Respondents

Through : None.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (ORAL)

(1) The instant revision petition has been preferred by the petitioner to challenge the legality and correctness of an order dated 01.07.2015 of learned Metropolitan Magistrate, (Mahila Court) whereby names of respondents were ordered to be deleted from the array of parties.

(2) I have heard the learned counsel for the petitioner and have examined the Trial Court record. Admittedly, the petitioner was married to Dr.Anurag Gupta. She has filed petition under Section 12 of DV Act against him and her father-in-law (Sita Ram Prasad Gupta). Respondent No.1 is her elder sister-in-law and was married to respondent No.2.

Admittedly, prior to petitioner's marriage with Dr.Anurag Gupta, they were living separate at their matrimonial home in Kolkota. After the marriage, the petitioner along with her husband lived in U.K. It is stated that there is ancestral house of her husband at Patna and the respondents did not allow her to enter the ancestral house. On perusal of the petition, it reveals that the respondents never lived with the petitioner in U.K. or at Patna and never had 'shared household' to constitute domestic relationship. The petitioner has alleged in the complaint that the respondents used to remain in touch on telephone with her and intervene in the family matters while she was in U.K. Simply, because the respondents are related to the petitioner's husband, they cannot be dragged into matrimonial dispute between them in DV Act. The Trial Court order is based upon fair appraisal of the legal aspects and needs no intervention.

(3) The revision petition lacks merits and is dismissed in limini. Trial Court record be sent back forthwith along with the copy of the order.

(S.P.GARG)
JUDGE

DECEMBER 03, 2015/sa