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

+ **W.P.(CRL) 170/2024, CRL.M.A. 8857/2024, CRL.M.A. 14019/2024
& CRL.M.A. 29880/2025**

VIKAS NAGAR

.....Petitioner

Through: Petitioner in person

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandjhopadhyaya, ASC for
the State with Mr. Abhijeet Kumar,
Advocate alongwith SI Prashant
Malik, P.S. Laxmi Nagar
Mr. Vikas Gupta, Mr. Sohil Sharma
and Ms. Renu Bhardwaj, Advocates
for R-2

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.10.2025

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1. Writ Petition under Article 226/227 of Constitution of India has been filed by the Petitioner for quashing of Complaint Case No. 4168/2017 under Domestic Violence Act, 2005 (DV Act), which is pending before the Court of learned MM, Mahila Court, Delhi and all the proceedings emanating therefrom.
2. The Petitioner was married to Ms. Ambika on 07.12.2014 and they lived together as husband and wife, but due to certain matrimonial differences, allegedly the Complainant deserted the Petitioner on 16.07.2016 and despite multiple efforts, the differences could not be reconciled.



3. The matter of maintenance had been finally settled between the Petitioner and the deceased Complainant. The Petitioner had also provided medical care under ESIC during the pendency of Criminal Revision before this Court.

4. The Complainant has died on 17.03.2021 due to her illness. The Death Certificate and DVR in respect of the deceased Complainant has, already been taken on record by the learned MM. The Petitioner moved an Application for abatement of the proceedings on the demise of the Complainant, but they are still pending.

5. It is further submitted that 'any other person' cannot maintain the proceedings under the DV Act except an 'aggrieved person' who must be alive, to present the proceedings under DV Act. The right to claim Monetary Reliefs, Protection Order and Compensation under the DV Act, are personal, statutory and inalienable rights of the 'aggrieved person', which get extinguished on the demise of aggrieved person.

6. The relief sought in the DV Act, was personal in nature and no other person can agitate the reliefs in the absence of the Complainant, under DV Act. However, the Orders have been passed by the learned MM granting opportunity to the Respondent No. 2/father of the Complainant for pursuing the proceedings under DV Act. For the last 2.8 years, since the death of the Complainant, no fruitful proceedings have been undertaken despite the fact that the DV Act proceedings have become infructuous.

7. Hence, the present Petition is filed for quashing of the Complaint Case No. 4168/2017 under DV Act that was initially filed by the Complainant Ambika, wife of the Petitioner, who has since died during the pendency of the Complaint.



8. The main contention of the Petitioner is that since the relief claimed in the DV Act Petition, was personal to the Complainant, no cause of action survives in favour of third party and the Complaint should have been abated by the learned MM.

9. ***Learned Counsel on behalf of the Respondent No. 2/father of the deceased Complainant***, submits that he has already filed an Application for substitution which is pending till date and had not been adjudicated.

10. It is further pointed out that a similar Writ Petition (Criminal) No. 2458/2023 titled Vikas Nagar v. State of NCT of Delhi had been filed by the Petitioner which was disposed of by this Court *vide* Order dated 29.08.2023 with the directions to the Trial Court to decide the Application filed on behalf of father of the deceased Complainant for substitution, in accordance with law on the next date of hearing and the Petitioner is at liberty to initiate appropriate legal proceedings in case of altered circumstances. It is submitted that the substitution Application has not been decided till date. Therefore, this Petition is not maintainable.

Submissions heard and record perused.

11. Admittedly, the substitution Application filed on behalf of the father of the deceased Complainant, is still pending and has not been disposed of despite specific directions of this Court *vide* Order dated 29.08.2023 that the same be decided on the next date.

12. The present Petition is again seeking the same relief which has already been considered in the earlier Writ Petition. On this technical ground itself, the Petition is not maintainable.

13. The Reply has already been filed on behalf of the Petitioner in the substitution Application. The Petition alongwith pending Applications, is



accordingly disposed of with the directions to the learned MM to dispose of the substitution Application on the next date of hearing and no adjournment shall be granted to either party.

14. Copy of this Order be sent to the Court of learned MM for information and compliance.

NEENA BANSAL KRISHNA, J

OCTOBER 29, 2025

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