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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 795 of 2025
Reserved on: 03.03.2026
Date of Decision: 27.04.2026

Manisha Chandel & Ors ...Petitioners

Versus

Sunita Chandel & Anr. ...Respondents

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1] No

For the Petitioners	:	Mr Arsh Chauhan, Advocate
For respondent No.1	:	Ms Suman Thakur, Advocate
For respondent No.2	:	Mr Prashant Sen, Deputy Advocate General.

Rakesh Kainthla, Judge

The petitioners have filed the present petition for quashing of a Domestic Violence Complaint bearing DV Act No. 16/24 and registered as CIS No. 93/24 pending before the learned Chief Judicial Magistrate, Hamirpur, H.P. (learned Trial Court) and the subsequent proceedings arising out of it. (*The parties*

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

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shall hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court for convenience).

2. Briefly stated, the facts giving rise to the present petition are that the complainant/respondent No.1 filed a complaint against the petitioners/respondents under Section 12, read with Sections 18 and 22 of the Protection of Women from Domestic Violence Act, 2005 (DV Act). It was asserted that the complainant is a 59-year-old woman residing with her husband in Village Bhamnoh. Respondent No.1 is the complainant's daughter; respondent No.2 is her son-in-law, and respondents No. 3 and 4 are the parents of respondent No.2. Respondent No.1 was married to respondent No.2 in 2015. Respondent No.1 resided with the complainant before her marriage, and the complainant cared for and supported her throughout her life. Respondent No.1 started avoiding the complainant soon after her marriage, and she severed telephonic and social media contact with the complainant. Respondent Nos. 1 and 2 later moved to New Jersey, USA. Respondent No.1 filed a Domestic Violence Civil complaint and obtained a temporary restraint order in New Jersey Court against her elder sister, who was trying to encourage respondent No.1 to communicate with her

parents. The complainant visited the residence of respondents No.3 and 4 to enquire about the well-being of respondent No.1; however, respondents No.3 and 4 did not provide any information to the complainant and did not allow her to enter the house. The complainant filed a police complaint before the Superintendent of Police, Hamirpur. She also filed a Civil Writ Petition before this Court seeking an opportunity to meet respondent No.1. Respondents No.1 to 3 made defamatory and false allegations against the complainant and her husband. Respondent No 1 alleged that the complainant had starved her and that the complainant's husband had molested her (Respondent No. 1) when she was residing with the complainant and her husband. Respondent No.1 has been disseminating this false and misleading information to her brother and sister-in-law since 2015, which has caused disharmony within the family. The acts of the respondents constitute Domestic Violence. Hence, a complaint was filed before the Court for taking action as per the law.

3. Being aggrieved by the filing of the complaint, the respondents have filed the present petition asserting that the complaint filed by the complainant is a clear abuse of the

process of law. The complaint was filed with *mala fide* intention to harass the respondents. Complainant's husband had also made a complaint against respondent No.2 to the NRI Cell National Commission for Women (NCW) regarding the safety and well-being of respondent No.1. This complaint was forwarded to the Superintendent of Police, Hamirpur, who investigated the matter and found the allegations made by the complainant to be false. Superintendent of Police had also arranged a video call between the complainant, her husband and respondent No.1. Respondent No.1 categorically stated that she was happily residing with her family in the USA and did not want to maintain any contact with the complainant and her relatives. The complainant filed a Civil Writ petition before this Court, which was disposed of on 27.11.2024. Respondent No.1 made a statement before this Court that she was residing happily with her husband and children in the USA, and she did not want to maintain any relationship with the complainant. The complainant filed a false complaint against the respondents after the termination of the proceedings before this Court because of the strained relationship between her and the respondents. Respondent Nos. 3 and 4 were unnecessarily

harassed and dragged into the litigation. They have no concern with the complainant or respondents No.1 and 2. Complainant is misusing the beneficial provision of the DV Act. The allegations in the complaint, even if found to be correct, do not constitute Domestic Violence. Hence, it was prayed that the present petition be allowed and the complaint and consequential proceedings arising out of it be quashed.

4. The petition is opposed by respondent No.1 by filing a reply making a preliminary submission that the complainant is the mother of respondent No.1, she and her husband were subjected to deliberate, prolonged mental harassment and defamatory statements before the relatives and the Courts. They had brought up respondent no. 1 to the best of their abilities. Respondent No.1 has severed all ties with the complainant and her husband. The acts of the respondents constitute Domestic Violence, and a complaint was filed before the learned Trial Court to take action as per the law. The complainant and her husband are unable to visit their daughter's house. Therefore, it was prayed that the present petition be dismissed.

5. I have heard Mr Arsh Chauhan, learned counsel for the petitioner, Ms Suman Thakur, learned counsel for respondent No. 1 and Mr Prashant Sen, learned Deputy Advocate General for respondent No. 2.

6. Mr Arsh Chauhan, learned counsel for the petitioner, submitted that the allegations in the complaint, even if accepted to be true, do not constitute any Domestic Violence. The respondents No. 2 to 4 never resided with the complainant, and they have no relationship with the complainant. Respondent No.1 has severed her social ties with the complainant and her husband, and this does not constitute any Domestic Violence. Respondent No.1 categorically stated before the Court that she was happy with her family in the USA and did not want to maintain any relationship with the complainant and her husband. The complainant has filed a false complaint as a counterblast to the statement made by respondent No.1. Hence, he prayed that the present petition be allowed and the complaint and the proceedings pending before the learned Trial Court be quashed. He relied upon the judgment of the Delhi High Court in ***Kusum Lata Sharma versus State & Anr 2011:DHC:4422*** in support of his submissions.

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7. Ms Suman Thakur, learned counsel for respondent No.1, submitted that the complainant is the mother of respondent No.1. She and her husband had brought up respondent No.1 to the best of their abilities. Respondent No.1 made false and defamatory allegations against the complainant and her husband. Respondent No.1 shared a household with the complainant till 2010. She insulted, ridiculed and humiliated the complainant, which constitutes verbal and emotional abuse. She did not provide any resources to the complainant and her husband, to which they are entitled, being senior citizens. This Court should not exercise the inherent jurisdiction to quash the proceedings when the matter is pending before the learned Trial Court. Hence, she prayed that the present petition be dismissed. She relied upon the judgment of Hon'ble Supreme Court in ***S. Vanitha vs. Deputy Commissioner Bengaluru Urban (2021) 15, SCC 730, Hiral P. Harsora and others vs. Kusum Narottamdas Harsora and others (2016) 10 SCC 165*** and ***Goutam Chanda vs. Gouri Ram Chandra (2016) SCC online Cal 3832*** in support of her submissions.

8. Mr Prashant Sen, learned Deputy Advocate General for the respondent/State, submitted that the dispute is between

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the private parties and the State has nothing to submit in the present matter.

9. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

10. It was laid down by the Hon'ble Supreme Court in ***Shaurabh Kumar Tripathi v. Vidhi Rawal, 2025 SCC OnLine SC 1158,*** that the High Court should have a hands-off approach under the DV Act and should interfere only when there is gross illegality or abuse of the process of the Court. It was observed:

> "**35.** When it comes to the exercise of power under Section 482 of the CrPC in relation to an 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 to prevent 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 abuse 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 a prayer for quashing the proceedings under the DV Act, 2005, the very object of enacting the DV Act, 2005, will be defeated."

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11. The allegations in the complaint show that respondent No.1 has severed the relationship with the complainant and her husband. She repeatedly made statements that she was residing happily with her family in the USA and did not want to maintain any relationship with the complainant and her husband. It was submitted that she had made the allegation against the complainant and her husband that the complainant had starved her and the complainant's husband had molested her, which constitutes verbal and emotional abuse. It is difficult to agree with this submission. Verbal and emotional abuse, as per Section 3(d) explanation I (iii) of the DV Act, includes insults, ridicule, humiliation and name-calling and in certain cases, ridicule and repeated threats to cause physical pain to any person. Making specific allegations of starvation and molestation by the daughter against her parents does not constitute insult, ridicule, humiliation or name-calling. Taken to the logical conclusion, an allegation made by a daughter-in-law against her mother-in-law that she was being harassed and tortured for dowry would also constitute domestic violence. Adopting such an interpretation would have a chilling effect and would prevent a person from telling the truth before the

authorities to protect themselves. Therefore, the submission that the act of respondent No. 1 constitutes verbal and emotional abuse cannot be accepted.

12. It was submitted that the complainant is entitled to maintenance from respondent No.1, and respondent No.1 is denying the maintenance to her, which constitutes an economic abuse. This submission is without any basis because no allegation has been made in the complaint that respondent No.1 has not provided any maintenance to the complainant. The complainant also did not seek any relief of maintenance from respondent No.1. She only sought compensation of ₹5 lakh for the mental and physical harassment and payment of litigation and counsel fee of ₹70,000. Therefore, the submission that the complaint discloses the economic abuse cannot be accepted.

13. It was submitted that the complainant and her husband are entitled to the maintenance from their daughter under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Reliance was placed upon the judgment of the Hon'ble Supreme Court in ***S. Vanitha*** (supra). This question does not arise in the present case because no such maintenance

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has been sought under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

14. It was submitted that an act of Domestic Violence can also be committed by a female as per the judgment of the Hon'ble Supreme Court in ***Hiral P. Harsora and others*** (supra). There is no dispute with this preposition of law, but it does not apply to the present case because the Domestic Violence has not been proved by the allegations made in the complaint.

15. No other point was urged.

16. Therefore, there is a force in the submission of Mr Arsh Chauhan, learned counsel for the petitioners, that the allegations in the complaint, even if taken to be correct, do not constitute any domestic violence. Therefore, in the circumstances, the continuation of the proceedings would amount to an abuse of the process of law, which cannot be permitted.

17. In view of the above, the present petition is allowed, and the complaint and the consequential proceedings arising out of it pending before the learned Chief Judicial Magistrate, Hamirpur, are ordered to be quashed.

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18. Petition stands disposed of in the above terms, so also pending miscellaneous applications, if any.

19. Parties are permitted to produce a copy of this judgment, downloaded from the webpage of the High Court of Himachal Pradesh, before the authorities concerned, and the said authorities shall not insist on the production of a certified copy, but if required, may verify passing of the order from the Website of the High Court.

(Rakesh Kainthla)
Judge

27th April, 2026
(Nikita)