SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2327/2026 Mahesh Chandra And Ors --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mrs. Lata Negi, Advocate for the applicants. Mr. V.S. Pal, A.G.A. for the State of Uttarakhand. 2. This criminal miscellaneous application has been filed by the applicants assailing the order dated 17.10.2025 passed by learned Judicial Magistrate, Bhikyasain, District Almora, whereby learned Magistrate took cognizance of the complaint and issued summons to the applicants in proceedings instituted under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the Act"). 3. The record reveals that respondent no.2/ complainant instituted a complaint dated 26.09.2025 under Section 12 of the Act against her husband, applicant no.1, and his family members, alleging, inter alia, that she had been subjected to cruelty in connection with the demand for dowry. It is further alleged that respondent no.2 has sought monetary relief in the form of house rent at the rate of ₹5,000/- per month and a one-time settlement of ₹20,00,000/-. Upon consideration of the complaint and the material placed before it, learned Magistrate found sufficient grounds to proceed with the matter and accordingly passed the impugned summoning order. 4. Learned counsel for the applicants submits that no complaint regarding the alleged demand for dowry was ever made by respondent no.2 before the police or any other competent authority prior to the institution of the complaint under the Act. He further submits that respondent no. 2 has been residing at the house of her brother-in-law at Ramnagar since 24.11.2022 of her own volition. It is contended that applicant no.1 made several attempts to persuade respondent no.2 to

			resume cohabitation with him, but she declined to accompany him. Learned counsel further submits that, in the aforesaid circumstances, applicant no.1 was constrained to institute proceedings for divorce under Section 13-A of the Hindu Marriage Act, 1955, before learned Principal Judge, Family Court, Almora, which are stated to be pending adjudication. It is contended that the present complaint is a counterblast to the aforesaid matrimonial proceedings and was instituted only after respondent no.2 received notice from the Family Court. According to learned counsel, the allegations levelled against the applicants are false and fabricated, and the proceedings have been initiated with an ulterior motive to harass and pressurise them. 5. Heard learned counsel for the applicants and perused the material available on record. The principal grounds taken on behalf of the applicants are that no prior complaint regarding the alleged demand for dowry was lodged by respondent no.2, that she has been residing separately of her own volition, and that the complaint under the Act was instituted as a counterblast to the divorce proceedings initiated by applicant no. 1. However, these submissions, in themselves, do not furnish sufficient grounds for quashing the impugned summoning order. Mere absence of a prior complaint to the police or any other authority does not, by itself, render a subsequent application under Section 12 of the Act legally untenable. The maintainability of such an application cannot be made dependent solely upon whether the aggrieved person had earlier approached the police or any other authority. The allegations contained in the complaint and the material placed in support thereof is required to be considered in accordance with law. Similarly, the fact that respondent no. 2 has been residing separately since 24.11.2022 does not, by itself, conclusively establish that no act of domestic violence, as alleged in the complaint, ever occurred. Whether the separation was voluntary, the circumstances in which the parties began residing separately, and the nature of the alleged conduct are matters which may require consideration on the basis of the pleadings and evidence before the competent Court. Such disputed factual aspects cannot appropriately be conclusively determined in the present proceedings merely on the basis of the assertions advanced on behalf of the applicants. 6. The contention that the complaint has been instituted as a counterblast to the divorce proceedings also does not, at this stage, inspire sufficient confidence to warrant interference. The pendency of matrimonial proceedings between the parties does not, by itself, preclude either party from pursuing an

independent remedy available under the Act, provided the statutory requirements are satisfied. The mere sequence of events, namely, the institution of divorce proceedings followed by the complaint under the Act, cannot, without more, conclusively establish that the complaint is false, malicious, or an abuse of the process of the Court. Whether the complaint was instituted with an ulterior motive, as alleged by the applicants, or whether the allegations made therein disclose circumstances warranting relief under the Act, are matters which must be assessed on the basis of the relevant material and in accordance with law. At this stage, the defence sought to be raised by the applicants cannot be accepted as conclusively established so as to nullify the proceedings at their inception.

7. It is also well settled that, while examining a challenge to a summoning order or proceedings at the threshold, the Court is not expected to conduct a meticulous examination of the evidence or undertake a mini-trial to determine the truthfulness of the allegations. Interference may be justified where the allegations, even if accepted in their entirety, do not disclose a legally sustainable basis for proceeding, where the proceedings are expressly barred by law, or where the material on record unmistakably demonstrates an abuse of the process of the Court.

8. Upon an overall consideration of the allegations contained in the complaint, the grounds urged on behalf of the applicants, and the material available on record, this Court finds no sufficient ground to hold that the impugned order dated 17.10.2025 suffers from any patent illegality, jurisdictional error, or material irregularity warranting interference in the exercise of this Court's inherent jurisdiction. The applicants have failed to demonstrate any exceptional circumstance justifying the quashing of the proceedings at this stage. Accordingly, this Court is not inclined to interfere with the impugned summoning order.

9. Accordingly, the present criminal miscellaneous application, being devoid of merit, is hereby dismissed.

(Alok Mahra, J.)
27.10.2026

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