



2026:DHC:1982



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

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Reserved on: 09th December, 2025

Pronounced on: 10th March, 2026

+ **CRL.M.C. 297/2021, CRL.M.A. 1531/2021 & CRL.M.A. 6072/2021**

1. **SH. SANDEEP PATHAK**
2. **SH. JAYANT PATHAK**
3. **MS. HEMLATA PATHAK**

All R/o BD Complex, Pathak Bhawan,
Ranikhet, District- Almora,
Uttarakhand - 263645.

.....Petitioners

Through: Ms. Jyoti Dutt Sharma, Mr.
Chinmaya K. Bhatt and Ms. Amrita
Pandey, Advocates.

Versus

LALITA TIWARI
R/o House No. 41, Block - 1,
Pocket- 5, 1st Floor, Sector-16,
Rohini, Delhi- 110085.

.....Respondent

Through: Respondent in person.

CRL.M.C. 485/2021

1. **SH. SANDEEP PATHAK**
2. **SH. CHANDRA SHEKHAR PATHAK**
4. **SH. JAYANT PATHAK**
4. **MS. HEMLATA**

All R/o BD Complex, Pathak Bhawan,
Ranikhet, District- Almora,
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.....Petitioners

Through: Ms. Jyoti Dutt Sharma, Mr.



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Chinmaya K. Bhatt and Ms. Amrita
Pandey, Advocates.

Versus

1. **STATE (NCT OF DELHI)**
Through Ld. Standing Counsel (Criminal)
Delhi High Court
Sher Shah Marg,
New Delhi - 110003.
Email address dhcprosecutiondelhipolice@qmail.com
Contact No. 9891919168
2. **SHO, P.S. KAILASH NATH KATJU MARG**
Dr. K.N. Katju Marg, Sector 16,
Rohini, Delhi - 110085.
3. **LALITA TIWARI**
R/o House No. 41, Block - 1,
Pocket- 5, 1st Floor, Sector-16,
Rohini, Delhi- 110085.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State.
Ms. Lalita Tiwari in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. The aforesaid two Petitions under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C"*) read with Article 227 of the Constitution of India, 1950 have been filed on behalf of the Petitioners seeking quashing of the Complaint Case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (*hereinafter referred to as "DV Act"*) and **FIR No. 252/2013 dated 25.06.2013**, P.S. KN



Katju Marg under Section 498A/406/34 Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) and the proceedings arising therefrom.

2. The ***brief background*** is that the Petitioner No.1, Sandeep Pathak and the Respondent/Complainant, Lalita Tiwari got married on 25.01.2005 at Haldwani, District Nainital, Uttarakhand, as per Hindu rites and customs. Even though it was mutually agreed that after marriage, the couple would reside at the Petitioner No.1's house in *Ranikhet, District Almora, Uttarakhand*, but the Complainant, soon found it difficult to adjust in the small place like Ranikhet, being a girl brought up in Delhi. During her stay of barely 6 days, from 25.01.2005 to 30.01.2005, her behaviour was strange. Despite sincere efforts by the Petitioners to make her comfortable, she remained adamant and refused to discuss the matter with family members. Consequently, the Petitioner No. 1 escorted the Respondent to her parental home, in Delhi.

3. The Respondent/Complainant came intermittently to Ranikhet, in second week of June, 2005 for one week, but again stated that *she did not wish to live in a village with those villagers* and insisted on returning to Delhi and asked the Petitioner No. 1 to live there. He expressed his inability to relocate and requested her to stay.

4. On 20.06.2005, the Petitioner No.1 accompanied her to Delhi and requested her parents to intervene. They declined, stating that she had always behaved similarly. That night, the Respondent allegedly threatened to commit suicide and falsely implicate the Petitioner, if he complained about her conduct to her parents. Distressed by this conduct, the Petitioner No. 1 returned alone to Ranikhet, hoping time would improve the situation.



5. In February 2006, she visited Ranikhet again, but her conduct remained hostile. In December 2006, the Petitioner No. 1 visited the Respondent in her house in Rohini, Delhi seeking reconciliation, but she allegedly abused and ill-treated him.

6. The Respondent continuously pressurized the Petitioner No. 1 to relocate permanently to Delhi and allegedly misbehaved with his family members, to compel him to shift. Due to his family responsibilities and career obligations, he was unable to shift. On 18.06.2007, the Respondent came to Ranikhet demanding that he must immediately shift to Delhi. Upon refusal, she allegedly threatened to implicate him and his family in false cases, so that they would languish in jail.

7. The Respondent last visited Ranikhet in October, 2007. There was no cohabitation, thereafter. She deserted the Petitioner No. 1 and warned him against visiting Delhi. The Petitioners repeatedly made umpteen requests for reconciliation through meetings and discussions, but without success.

8. After nearly four years of desertion since 2007, the Petitioner No. 1/Husband filed a ***Divorce Petition No. 54/2011 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955*** (hereinafter referred to as "HMA") on 30.07.2011 before the Ld. Senior Civil Judge, Almora, Uttarakhand. Despite service of Notice, the Respondent did not appear, and she was *proceeded ex parte*, on 20.04.2012. **The Court granted exparte divorce on 05.09.2012.**

9. Thereafter, the ***Respondent filed a Divorce Petition bearing HMA No. 558502/2012*** on 12.09.2012, before the Ld. Family Court, Rohini, concealing the earlier decree. Upon being apprised of the Decree, the Respondent withdrew the Petition on 04.03.2013.



10. Immediately thereafter, she filed a **Complaint under DV Act before Ld. MM (Mahila Court), North District, Rohini Court, Delhi** and lodged **FIR No. 252/2013 dated 25.06.2013 under Sections 498A/406/34 IPC** against the Petitioners.

11. In **CC No. 494/2016** under DV Act, aside from the aforesaid Petitioners, Smt. Chandrika Pathak (Mother of the Petitioner No. 1) and Sh. Parkash Pathak (Brother of the Petitioner No.1), were also arrayed as Respondents. However, Smt. Chandrika Pathak died on 04.12.2016 and Sh. Parkash Pathak died on 26.06.2019.

12. On 18.08.2017, the Ld. MM passed an *ex parte* Order awarding Rs. 10,000/- per month as maintenance, without hearing the Petitioner.

13. It is submitted that Ld. Trial Court erroneously observed that the Divorce Decree was subsequent to the Complaint, whereas the Decree was passed on 05.09.2012 and the Complaint was filed later. The Petitioner's Application to recall the *ex parte* Order, was dismissed on 04.01.2019. The Petitioner has paid Rs. 50,000/- towards maintenance, till date.

14. **The Petitioners seek quashing of Complaint Case No. 494/2016 under DV Act and FIR No. 252/2013 under Section 498A/406/34 IPC, on the ground** that these proceedings are vexatious, and constitute a gross abuse of the process of law.

15. The Complaint under DV Act and the allegations in the FIR, are merely an afterthought and is filed deliberately, intentionally and maliciously to harass the Petitioners and is bereft of any merits and is completely based on wrong, incorrect, false facts, pure conjectures and surmises. It is quite evident that the Respondent was unwilling to cohabit and misused legal proceedings to harass the Petitioners.



16. Moreover, the allegations in the FIR and the DV Act Complaint, even if taken at their face value and accepted in entirety, do not disclose the commission of any offence nor make out a *prima facie* case against the Petitioners.

17. The criminal proceedings have been maliciously instituted with ulterior motives, solely to harass, blackmail, and extract money from the Petitioner, and to wreak vengeance due to personal grudge and failure before the Family Court, Rohini.

18. Furthermore, the marriage between Petitioner No. 1 and Respondent stood annulled by Decree dated 05.09.2012 passed by the Ld. Senior Civil Judge (Senior Division), Almora, Uttarakhand, which has not been challenged till date. The Respondent concealed this fact in her Divorce Petition under Section 13(1) (i-a) HMA before the Family Court, Rohini as well as in the FIR, demonstrating *mala fide* intent behind the Complaint.

19. Furthermore, the Petitioner No. 1 suffered a brain haemorrhage during 2015-16 and underwent medical treatment. He remarried on 12.05.2014 and has a child born on 20.03.2018. The remarriage occurred 1.5 years after the divorce decree, which is also not challenged. Moreover, he is already burdened with financial responsibilities, and the continuation of these proceedings is oppressive and unjust.

20. Ld. Trial Court has failed to consider that the decree of Annulment dated 05.09.2012, was passed prior to the registration of the FIR dated 25.06.2013.

21. Hence, prayer is made to *quash/ set aside the Complaint Case No. 494/2016 under Section 12 DV Act and FIR No. 252/2013 under Sections 498A/406/34 IPC.*



22. ***The Respondent/Complainant has contended that*** FIR No. 252/2013 dated 25.06.2013 under Sections 498A/406/34 IPC, is pending adjudication and pertains to serious and specific allegations of dowry demand, cruelty, and unlawful retention of *stridhan* by the Petitioner No.1 and his family members. The registration of the FIR itself demonstrates that cognizable allegations were disclosed and matter is presently *sub judice* before the Ld. Trial Court.

23. It is further submitted that the subsequent remarriage of the Petitioner/Husband, is irrelevant to the present proceedings. The rights and liabilities arising out of acts of cruelty and domestic violence committed during the subsistence of the marriage, cannot be defeated or diluted merely because the Petitioner chose to remarry after obtaining an *ex parte* decree dated 05.09.2012. Such act of the Petitioner does not extinguish the statutory remedies available to the Respondent, under criminal law or under the DV Act.

24. ***With respect to limitation***, it is submitted that under Section 28 DV Act read with the applicable procedural framework, the proceedings are governed by a special statutory scheme. The Respondent had resided in a domestic relationship with the Petitioner after the marriage on 25.01.2005 and cohabited intermittently; the disputes arose within approximately 1.5 years of marriage, followed by continued acts of cruelty and economic abuse. The cause of action was recurring and continuous. The limitation does not operate mechanically, so as to defeat the substantive rights. Therefore, the Application cannot be dismissed on the ground of limitation when the effects of domestic violence persisted and the FIR dated 25.06.2013 was lodged within the statutory period.



25. Thus, it is submitted that the criminal and DV proceedings are maintainable in law, and the Petitioners cannot evade liability.

Submissions heard and record perused.

Quashing of FIR under Sections 498A/406 IPC:

Allegations under Section 498A IPC:

26. Before embarking on the facts of the case, it would be fruitful to first understand the contours of Section 498A IPC, which is reproduced as under:

“Section 498A. Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purposes of this section, “cruelty means”—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

27. In Jayedeeepsinh Pravinsinh Chavda and Others vs. State of Gujarat, 2024 SCC OnLine SC 3679, the Apex Court while considering the guilt of the husband under Section 498A, observed that ***cruelty simplicitor is not enough to constitute the offence under Section 498A; rather it must be done either with an intention to cause injury or to drive the person to commit suicide or with an intention to coerce her and her relatives to meet unlawful demands.*** Hence, where the Court finds misuse of the Section, the Courts must be vigilant and quash the proceedings under Section 482



Cr.P.C., *whenever it is found to be registered for ulterior reasons or out of revenge or vindictiveness.*

28. *Now, in the light of aforesaid law, the facts of the present case may be assessed to ascertain if the quashing of the FIR under Section 498A/406/34 IPC, is merited in the circumstances.*

29. The Respondent/Complainant in her Complaint has stated that that all eight members of Petitioner/husband's family, tortured, humiliated, taunted, and used abusive language against her.

30. As per the Complaint, she remained in her matrimonial Home for about one month. Thereafter, **Petitioner/Husband** used to visit her in Delhi occasionally, for 4-5 days at the intervals of 4-5 months. The Complainant alleges she was *not allowed to live in a cordial atmosphere* at the matrimonial house in Ranikhet. The Complainant had described one incident of June 2009, wherein she asserted that while the Respondent/Complainant was sleeping at the matrimonial home in Ranikhet, someone allegedly *attempted to press her neck, through the window at night*. She raised an alarm. She alleges the incident was repeated, leading her to feel unsafe, after which she returned to Delhi.

31. Such allegations are on the face of it, are not only evidently concocted but are vague with no description of the suspect, but even if believed to be true, then too, they are not targeted towards any of the petitioners, and therefore, are not relevant.

32. She further stated that her in-laws namely Petitioner No.2/Sh. Chandra Shekhar Pathak, Father-in-law and Petitioner No.3/Sh. Jayant Pathak, Brother-in-law *continuously pressurized* her and her mother to transfer her house in Rohini, in the name of Petitioner/Husband or to



purchase another shop/house in Delhi in his name, for business expansion, failing which they would arrange his remarriage.

33. She, as per own submissions, remained in the matrimonial home for a few days and most of the time, was in her paternal home, in Delhi. It is the husband/Petitioner No.1 who used to invariably visit her in Delhi, clearly reflecting the adjustment issues. From these allegations against the Husband, father-in-law and the brother-in-law, it is evident that aside from omnibus allegations that she was tortured, humiliated, taunted, and abused, there is no specific incident narrated to explain the nature of alleged torture.

34. ***Further allegations against Petitioner No.4/Smt. Hemlata*** is that she was unmarried and resided in the matrimonial house, and controls Petitioner/Husband's finances and influencing him regarding property matters. It is alleged that Petitioner/Husband transferred income, property interests, FDR income, LIC benefits, and part of the Ranikhet house in her favour, and she pressurized him regarding the Complainant's mother's property.

35. There is nothing un-natural for a family member to manage the affairs of a brother, while he was unmarried. Aside from bald assertions, that she had control over the finances of the husband, there is nothing to show how it was impacting her; there is no allegation that she was deprived in any way, by this alleged act of the Sister-in-law or any other family member.

36. The ***Complainant's mother-in-law*** (who is now deceased) allegedly taunted the Complainant's family for not performing the marriage according to their "status" and for not giving sufficient gifts. The in-laws allegedly compelled the Respondent/Complainant to keep her mother-in-law at her mother's house in Delhi every year, from November to March.



37. Again, there can be no more vague, omnibus allegations that to sweepingly claim that she was taunted for not bringing sufficient dowry. Moreover, even if mother-in-law stayed with the Complainant in winter months, it leaves to ones imagination, how it tantamount to cruelty or harassment.

38. She also stated that the in-laws were *habitual drinkers*. It is alleged that *the father-in-law, Chander Shekhar Pathak* was of *bad character* and after consuming liquor, *created an unsafe atmosphere and the Complainant feared for her security*, whenever she stayed at Ranikhet.

39. It is so simple to make such allegations against the family members; there is no explanation about any specific incident to explain her absolutely vague allegations. Moreover, is so oppressive and cruel was the behaviour, there was no Complaint made by the Complainant to any authority.

40. **Prakash Pathak**, brother of Petitioner No.1, allegedly demanded money, threatened the Complainant, and allegedly misbehaved and passed filthy comments, when she was alone. He pressurized the Complainant to take responsibility for his 11-year-old son, by keeping him permanently at her mother's house, in Delhi.

41. Merely asking the Complainant to assist in caring for a family member cannot, by itself, constitute cruelty within the meaning of Section 498A IPC.

42. The allegations against the **Petitioner/Husband** allegedly *emotionally blackmailed* her by threatening to commit suicide and forced her for marriage under pressure. The Complainant stated that he is violent and aggressive, having assaulted an SDM in Ranikhet. It is further alleged that



he beat the Complainant several times, threatened to kidnap her, and demanded transfer of property or purchase of another house, in his name.

43. These allegations, again aside from being omnibus, do not amount to **cruelty and harassment**, as envisaged under Section 498A IPC. It cannot be overlooked that the Complainant had resided with her in-laws only for a few days after marriage and thereafter, shifted to her mother's house in Delhi. According to her, it was Petitioner No.1 who used to visit her in Delhi.

44. To sum up, is evident that *firstly*, the Complaint clearly lacks specificity and lacks any details about the dates/period and are generic, omnibus and vague. *Secondly*, the Complainant fails to demonstrate how the conduct of each accused individually or collectively, contributed to cruelty. *Thirdly*, the allegations made in the Complaint, even if accepted *in toto*, do not constitute cruelty of the nature as contemplated under Section 498A IPC. There is no allegation of physical violence causing injury, no medical evidence of mental or physical harm, and no conduct likely to drive her to suicide. The absence of any allegation regarding dowry demand or harassment on any account and the presence of only vague references regarding the alleged acts of cruelty which are in fact, instances of ordinary wear and tear of marital life, further undermines the Complaint. The allegations at best reflect ordinary matrimonial discord and lack of adjustment, but **not criminal cruelty**.

45. *From the entire allegations as discussed above*, it emerges that the essential ingredients of Section 498A IPC are not made out from the Complaint made by Respondent No.2.



46. In light of the above findings, it is concluded that it is clearly a case which comes in the category of abuse of the process of law, meriting quashing of the FIR.

Allegations under Section 406 IPC:

47. To comprehend these assertions, it would be relevant to first consider the contours of Section 406 IPC. Section 405 IPC defines the offence as under:

“Section 405. Criminal breach of trust.

Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits “criminal breach of trust”.”

“Section 406. Punishment for criminal breach of trust.

Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

48. Section 406 IPC refer to the two foundational elements to constitute the offense of criminal breach of trust under Section 406 IPC: ***first***, an ***entrustment*** of property, and ***second***, a ***dishonest misappropriation*** of that property.

49. The Respondent/Complainant in her Complaint makes only one single assertion regarding her jewellery. It is stated that the Petitioners/in-laws illegally and forcefully retained her gold jewellery/*stridhan* and expelled her with only the clothes she was wearing, threatening not to accept her unless property was transferred in Petitioner/Husband’s name.



50. Evidently, the Complainant uses general terms like “jewellery” without providing any description or valuation of the specific items, allegedly retained. There is no detail regarding what items were given by whom at the time of marriage, what items constitute *stridhan*, what is their nature, description, quantity, quality, etc. The Complaint also reveals omnibus reference to “*in-laws*”. Moreover, no specific averments had been made *qua* the Petitioners herein.

51. It is pertinent to observe that as per her own averments, she had stayed in the matrimonial home barely for a month and thereafter, come to Delhi. There is not a whisper about the person to whom the alleged jewellery was entrusted and when did she demand back the same and was not returned.

52. Thus, aside from omnibus allegations, no *prima facie* case of entrustment of jewellery has been made out. *Thus, no offence under Section 406 IPC is made out in the Complaint against the Petitioners.*

53. Recently, the Supreme Court in Sanjay D. Jain & Ors. vs. State of Maharashtra, CrI. Appeal arising out of SLP (CrI.) No.12584/2024 decided on 26.09.2025 (2025 INSC 1168), while quashing FIR under Section 377/498A/506 IPC, reiterated the settled principle that *where allegations in the FIR or complaint are vague and general without specific instances or particulars essential to constitute an offence, such FIRs do not disclose a prima facie case and are liable to be quashed.* The Court emphasized that even if the statements in the FIR are taken at their face value, if the essential ingredients of an offence like cruelty under Section 498A IPC are not made out with particularity, **quashing is justified to prevent abuse of process.**



54. The guiding tests in regard to the quashing of the FIR, had been succinctly stated in the case of *State of Haryana vs. Bhajan Lal*, 1992 Supp (1) SCC 335 wherein it is observed, “*where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused; or where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge, the FIR may be quashed.*”

55. As discussion above in detail, there is not an iota of even a *prima facie* case of cruelty or of harassment of the Complainant by the Petitioners. There is also no element of cruelty or entrustment made out from the facts alleged by the Respondent in her Complaint. Moreover, as discussed above from the facts, when comprehensively considered, reflects that it is a case of abuse of process of law, justifying the quashing of the FIR and the *Chargesheet* filed therein.

56. Accordingly, FIR No. 252/2013 under Sections 498A/406/34 IPC dated 25.06.2013 is hereby, **quashed**.

Quashing of Complaint under Domestic Violence Act:

57. The Petitioners in the present petition, are seeking quashing of the *Complaint Case No.494/2016* filed under Sections 18, 19, 20, 21, and 22 DV Act dated 05.03.2013, of the Ld. MM (Mahila Court).

58. The Respondent/Complainant has sought reliefs for *Protection, Residence Order, Monetary Relief as well as Compensation Order* in her Complaint under the DV Act. At the outset, it is pertinent to note that the allegations forming the basis of the Complaint under the DV Act are



substantially the same as those forming the subject matter of FIR No. 252/2013 registered under Sections 498A/406/34 IPC.

59. **Firstly**, similar allegations made in the Complaint are similar to those made in the FIR. As already examined in detail above, they are *vague, omnibus* and *devoid of any specific instances* of cruelty, harassment, or unlawful demand or any act of Domestic violence. Thus, even when considering the allegations made in the Complaint under the DV Act are taken at their face value and accepted in their entirety, they do not disclose any specific act of domestic violence attributable to the Petitioners. The Complaint is bereft of particulars regarding the time, nature, and manner of the alleged acts of violence, and merely contains generalized accusations against several members of the family. *Such bald and sweeping allegations, are insufficient to sustain proceedings under the DV Act.*

60. **Secondly**, the *timeline of events* further assumes significance. The marriage between Petitioner No.1 and the Respondent was solemnized on 25.01.2005. The parties admittedly lived together only for a brief period and thereafter, remained separated. The Petitioner No.1 instituted Divorce Petition No. 54/2011 under Section 13(1)(i-a) HMA before the Court of the Ld. Senior Civil Judge, Almora on 30.07.2011 and was granted an *ex parte*, decree of divorce dated 05.09.2012. The said decree has admittedly not been challenged and has attained finality and evidently the domestic relationship between the parties came to an end. It is only thereafter, that the Respondent initiated proceedings by filing the Complaint under the DV Act on 05.03.2013 and Complaint on which FIR was registered on 12.09.2013.

61. Herein, it is pertinent to refer to **Section 2(f) DV Act**, which defines **“domestic relationship”** as a relationship between two persons who live, or



have at any point of time lived together in a shared household, and are related by marriage or through a relationship in the nature of marriage.

62. In this regard, it is pertinent to refer to Kuldeep Kaur vs. Swaran Kaur, 2025 SCC OnLine Del 5593, decided on 21.08.2025, wherein a Division Bench of this Court while examining the right of residence in a shared household under DV Act, and the effect of dissolution of marriage on such right, held as under:

*“ 27. Nonetheless, the statutory protections under Section 17 of the PWDV Act are firmly anchored in the existence of a “domestic relationship.” Section 2(f) of the PWDV Act defines a domestic relationship as a relationship between two persons who live, or have at any point of time lived, together in a shared household when they are related by consanguinity, marriage, or a relationship in the nature of marriage. **Once the marriage stands dissolved by a valid decree of divorce, the domestic relationship comes to an end. Consequently, the substratum upon which the right of residence is founded no longer survives, unless a contrary statutory right is shown to persist.***

28. In the absence of such a relationship, the foundational requirement for invoking Section 17 of the PWDV Act is lacking. Accordingly, the Appellant's assertion of a continuing right of residence under the Act is materially weakened, subject of course to the outcome of her pending appeal.”

63. Furthermore, in the similar facts, in the case of Amit Agarwal and Ors. vs. Sanjay Aggarwal and Ors., Crl. Misc. No.M-36736 of 2014 (O&M), the Punjab & Haryana High Court while quashing a Complaint filed under the DV Act, held that “*where the domestic relationship ceases, the provisions under the D.V. Act cannot be invoked. Furthermore, once the Divorce is*



granted, The complainant had impleaded relatives who were not living in the shared house and permitting the Magistrate to proceed with the complaint would be an abuse of the process of law. The complaint and the proceedings therein are quashed.”

64. The principles laid down in the aforesaid cases squarely apply to the facts of the present case. Admittedly, the marriage between Petitioner No.1 and the Respondent stands dissolved by a decree of divorce dated 05.09.2012, which has attained finality. Moreover, the couple resided together only for a brief period of time. Once the domestic relationship between the parties ceased to exist, the foundational requirement for invoking the provisions of the DV Act does not exist.

65. Another aspect of immense significance is that the Parties got married on 25.01.2005 and essentially, the Complainant, barely after a month, came to Delhi and resided majorly in her parental home, in Delhi. It was the petitioner No.1/Husband who used to visit her, in Delhi. Eventually, when things did not work out, he filed *Divorce Petition No. 54/2011* on 30.07.2011, and was granted *ex parte* decree of divorce on 05.09.2012. The Complainant failed to contest the proceedings and eventually the Divorce was granted on 05.09.2012, which was never challenged by the Complainant. Infact, she herself subsequently filed for Divorce on 12.09.2012 in Ld. Family Court, Delhi but withdrew it on 04.03.2013 when she came to know about the *ex parte* Divorce Decree.

66. It was only subsequent thereto, that the Respondent initiated proceedings by filing the Complaint under the DV Act on 05.03.2013 and the FIR dated 25.06.2013 under Sections 498A/406/34 IPC.



67. Similar situation was considered in the case of Bhushan and Ors. vs. Sau. Nilesa Bhushan Deshmukh, CrI. Appl. 164/2017 decided on 09.08.2021 by the High Court of Judicature at Bombay (Nagpur Bench). While quashing the DV Act Complaint filed by the Respondent/Wife, it was noted that the Respondent had initiated DV Act proceedings during the course of the matrimonial discord between the parties. It was after the Respondent suffered adverse orders in the proceedings concerning the Divorce petition and the Application for restitution of conjugal rights, which stood confirmed right upto the Apex Court, *that she turned around and sought to invoke the provisions of the DV Act*. This demonstrated that the manner in which the proceedings were sought to be initiated under the provisions of the DV Act was nothing, but an abuse of process of law.

68. The Bombay High Court therefore, quashed the DV proceedings holding that such proceedings were initiated only after the complainant had suffered adverse orders in earlier litigation and were intended to harass the Applicants.

69. Thus, the chronology of events clearly indicates that the criminal and DV proceedings were initiated after the marital relationship had already been dissolved by a decree of divorce, and is a subsequent attempt to revive matrimonial disputes through criminal proceedings, which is clearly an abuse of the process of law and an *afterthought*.

70. *In view of the above discussion*, the Complaint under the DV Act is based on the same vague and omnibus allegations which have already been examined in the context of the FIR. Further, the Complaint has been instituted after the decree of divorce dated 05.09.2012, which has attained finality, thereby bringing the domestic relationship between the parties to an



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end. In the absence of any specific allegations of domestic violence and a subsisting domestic relationship, continuation of the present proceedings would amount to an abuse of the process of law.

71. Accordingly, the Complaint Case No. 494/2016 under Sections 18, 19, 20, 21 and 22 DV Act and all proceedings arising therefrom are hereby, **quashed.**

Relief:

72. The two Petitions i.e. **CRL. M.C. No. 297/2021**, seeking quashing of Complaint case No. 494/2016 under DV Act and **CRL. M.C. No. 485/2021**, seeking quashing of FIR No. 252/2013 dated 25.06.2013 filed under Sections 498A/406/34 IPC, P.S. KN Katju Marg, are hereby, allowed and the Complaint as well as the FIR, along with proceedings therein, are **quashed.**

73. The pending Application(s), if any, are disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

MARCH 10, 2026/R