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

CNR No. DLHC010348362023

+ **CRL.M.C. 6388/2023 & CRL.M.A. 36957/2024**



.....Petitioner

Through: Mr. Dhruv Chawla, Mr. Nitin Kumar,
Mr. Vipul Kanwar, Mr. Harshita Pal,
Advs.

versus

STATE THROUGH CHIEF SECRETARY & ORSRespondents

Through: Mr. Ravi Kumar Aggarwal and Mr.
Ishaan Aggarwal, Advs. for R-2.
Mr. Vineet Chaudhary and Mr.
Santosh Chaudhary, Advs. for R-3.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

19.08.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') assails the order dated 08.06.2023 passed by the learned Additional Sessions Judge-05, Patiala House Courts, New Delhi, in ***Criminal Appeal No. 106/2020***. By the impugned order, the appeal preferred by respondent No. 2, the petitioner's father-in-law, was allowed and the order dated 27.01.2020 directing issuance of notice to him under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'DV Act') was set aside qua him. The petitioner herein seeks restoration of the order dated 27.01.2020.

BRIEF FACTUAL MATRIX

3. Briefly stated, the petitioner married respondent No. 3 on 30.01.2006



and, thereafter, resided with respondents No. 2 and 3 at Vasant Kunj, New Delhi. The petitioner and respondent No. 3 adopted a daughter on 30.01.2012.

4. The parties were also connected through business. Respondent No. 2 carried on business as the sole proprietor of ('WWI'), while the petitioner and respondent No. 3 were partners in M/s WWI Enterprise ('WWIE'). WWIE commenced operations in 2010, was subsequently constituted under a partnership deed dated 08.07.2014 and operated from the office of WWI using its domain and email facilities. The nature of the association between the two concerns and the expenditure incurred by WWI for WWIE are disputed.

5. The matrimonial and business relationships deteriorated during 2017–2019. The petitioner alleges that respondent No. 2 interfered with WWIE, restricted her access to the office and email facilities, supported respondent No. 3 in the matrimonial discord, and sought to compel the petitioner, respondent No. 3 and their daughter to leave the shared household. Respondents No. 2 and 3 deny these allegations and maintain that the dispute involving respondent No. 2 is commercial, whereas the matrimonial dispute is between the petitioner and respondent No. 3.

6. In 2019, the petitioner instituted proceedings under Section 12 read with Sections 17 to 22 of the DV Act, seeking protection, residence, monetary and compensatory reliefs. The husband and the father-in-law alone were arrayed as respondents. By order dated 27.01.2020, the learned Metropolitan Magistrate, after considering the Domestic Incident Report (hereinafter referred to as '*DIR*') and the material on record, directed issuance of notice to both respondents.

7. Respondent No. 2 preferred an appeal under Section 29 of the DV Act



against the said notice. The learned Appellate Court in this appeal accepted the existence of a domestic relationship, but held that the allegations against him arose substantially from the dealings of WWI and WWIE and did not disclose economic, verbal or emotional abuse. It also found that the order dated 27.01.2020 did not record adequate reasons and, *vide* the impugned order dated 08.06.2023, set aside the notice qua respondent No. 2.

8. Aggrieved by the aforesaid, the petitioner has filed the present petition. In this petition, notice was issued on 04.09.2023. During its pendency, the petitioner filed CRL.M.A. 36957/2024 to place on record portions of respondent No. 2's cross-examination in connected civil proceedings, contending that the material shows his continuing involvement in the affairs of respondent No. 3 and concert between them. Respondents No. 2 and 3 oppose the petition and the application.

SUBMISSIONS BY THE PARTIES

9. Learned counsel for the petitioner submits that the application and the DIR contain specific allegations of verbal, emotional and economic abuse which require a trial. He further submits that the learned Appellate Court examined the merits prematurely and that the domestic and business relationships overlap.

10. The learned counsel for the petitioner further submits that the restriction of her access to the office and email facilities, the threat to take over WWIE and the attempt to remove her from the shared household could not, therefore, be viewed as purely commercial acts. He further places reliance on Section 19 and the subsequent cross-examination of respondent No. 2 and has also handed over a copy of *Smt. Santosh Jain & Ors. v. State NCT of Delhi & Anr., CRL.M.C. 2051/2024, decided on 13.03.2024* to the



court.

11. *Per contra*, the learned counsel for respondent No. 2 submitted that, even if the allegations were taken to be correct, they did not amount to domestic violence. He further submitted that the grievance against respondent no. 2 was confined to his failure to intervene in the alleged relationship of his adult son, the removal of WWIE from the office of WWI, discontinuation of its email facilities, the statement that the petitioner and her family should leave the matrimonial home, and the threat to take over or wind up WWIE.

12. The first allegation, it was argued, could not make him liable for the conduct of his son and that the remaining allegations arose from the business arrangements between WWI and WWIE. It was further submitted that the facilities of WWI had been permitted to be used and were withdrawn after their alleged misuse. The petitioner continues to reside in the shared household, sought alternate accommodation with reference to the status of respondent No. 3, and claimed no relief under Section 19(1)(a) specifically against respondent No. 2.

13. Learned counsel for respondent No.3 adopted the submissions of respondent No.2 and added that the documents sought to be introduced through ***CRL.M.A. 36957/2024*** arose subsequently in the civil proceedings and were not before either the learned Metropolitan Magistrate or the learned Appellate Court, that they could not, therefore, determine the legality of the orders under challenge.

ANALYSIS AND FINDINGS

14. Heard the learned counsel(s) for the parties and perused the material placed on record. The principal issue before this court is whether the acts attributed to respondent No. 2, if taken as correct, amount to domestic



violence and whether the later material calls for interference with the appellate order.

15. In *Shaurabh Kumar Tripathi v. Vidhi Rawal*, 2025 SCC OnLine SC 1158, the Supreme Court held that an application under Section 12(1) of the DV Act is not a complaint under Section 200 of the Cr.P.C. That the process issued is a statutory notice under Sections 12(4) and 13 of the DV Act read with Form VII of the Protection of Women from Domestic Violence Rules, 2006, and not a summons under Section 61 of the Cr.P.C. The supreme court further held that the High Court may exercise jurisdiction under Section 482 of the Cr.P.C. , but only with due caution. Since issuance of notice is the normal course under the Act, the absence of detailed reasons in the order dated 27.01.2020 could not, by itself, justify appellate interference. The appellate order can, however, be sustained if the allegations, even when taken as correct, do not make out domestic violence against respondent No. 2.

16. Section 3 of the DV Act covers acts, omissions and conduct which cause or threaten physical or mental harm, including verbal, emotional and economic abuse. Explanation I(iii) includes insult, ridicule, humiliation, name-calling and repeated threats of physical pain. Explanation I(iv) covers deprivation of resources to which the aggrieved person is entitled under law or custom or which she needs, disposal of property in which she has an interest, and restriction of access to facilities used by virtue of the domestic relationship. Explanation II requires the Court to consider the entire background. Sections 17 and 19 protect the right to reside in the shared household irrespective of title. Section 18 also covers threatened domestic violence. These provisions must be applied to the conduct alleged against the particular respondent. The existence of a domestic relationship alone is not



enough.

17. At the stage of notice, the Court cannot decide whether an allegation is true or weigh the evidence. It may, however, see whether the facts stated in the application, without adding to them, amount to domestic violence as this is not a mini-trial.

18. Five acts are attributed to respondent No. 2. It is alleged that he failed to act against respondent No. 3 over the latter's involvement with another woman, required WWIE to vacate the office of WWI, discontinued the petitioner's official email facility, stated that the petitioner, respondent No. 3 and their daughter should leave the matrimonial home, and threatened to take over or wind up WWIE. The general allegations that he was dominating, orthodox and verbally abusive have to be read with these acts.

19. The first allegation does not make out a case against respondent No. 2. The application records that he opposed the proposed trip involving respondent No. 3, d her children. He stated that, had he been in the petitioner's position, he would not have sent Kira if Ms. Sonal Jindal were present. Nothing in this account shows his participation in the alleged matrimonial misconduct of respondent No. 3. A father cannot be made liable under the DV Act merely because he did not control the conduct of his adult son.

20. The second, third and fifth allegations concern the use by WWIE of the office, domain and email facilities of WWI. The fact that a dispute is commercial does not place it outside Section 3. The application must still show that the petitioner was denied a resource protected by the Act. It does not state that she had any right to the premises or facilities of WWI under law, custom, necessity or the domestic relationship. Nor does it allege that



respondent No. 2 deprived her of any share or profit in WWIE. His defence that these facilities were provided by permission and withdrawn after misuse is disputed and has not been relied upon. Even on the petitioner's account, no step by respondent No. 2 is stated which could enable him to take over or wind up WWIE or affect her partnership rights. A bare statement of such a threat, without explaining how those rights could be affected, does not make out economic abuse or a threat of economic abuse.

21. The right under Section 17 does not depend on title, and actual dispossession is not necessary. A threat of dispossession may itself attract Sections 3(c) and 18. The application states that respondent No. 2 told the extended family that the petitioner, respondent No. 3 and their daughter should leave the shared household and repeated this the next day. It also records his suggestion that the couple should live separately to rebuild their marriage. No consequence was threatened and no step to remove the petitioner, prevent her access or disturb her possession is alleged. She continued to reside in the shared household and sought alternate accommodation with reference to the status of respondent No. 3. Read together, these facts do not show a threat of domestic violence by respondent No. 2.

22. The petitioner also describes respondent No. 2 as dominating and orthodox. She states that his repeated assertion that he bore the expenses of the petitioner and her daughter made her feel insulted. She further alleges that, during the office incident dated 11.09.2019, he insulted, shouted at and abused her. The application does not state what was said or how the conduct amounted to insult, ridicule, humiliation or threat, or otherwise caused mental harm. The words 'insulted', 'shouted' and 'abused' are conclusions. Without



the facts underlying them, they do not make out verbal or emotional abuse under Section 3.

23. The decision in ***Smt. Santosh Jain & Ors. v. State NCT of Delhi & Anr. (supra)*** also does not assist the petitioner. It cautions against testing the truth of specific allegations at the threshold. The allegations in the present case have been taken as correct. As discussed above, they concern the independent conduct of respondent No. 3, arise from the business arrangements between WWI and WWIE, or do not contain the facts required to attract Section 3 against respondent No. 2.

24. The later cross-examination has also been considered. Even if accepted, it shows only that respondent No. 2 remained in contact with respondent No. 3 and was connected with aspects of his business affairs. It identifies no act of domestic violence and cannot cure the absence of such an act in the original application. No opinion is expressed on the admissibility or value of that testimony in the civil proceedings or any other proceeding.

25. The domestic relationship between the petitioner and respondent No. 2 is not disputed. The application, however, does not set out any act by him which amounts to domestic violence. The brief reasons given by the learned Metropolitan Magistrate were not, by themselves, sufficient to set aside the notice. Nevertheless, for the reasons stated above, the conclusion reached by the learned Appellate Court is correct. No ground for interference under Section 482 of the Cr.P.C. is made out. The proceedings against respondent No. 3 shall remain unaffected.

26. ***CRL.M.A. 36957/2024*** is allowed to the limited extent that the additional documents have been taken on record and considered, and stands disposed of.



27. Accordingly, the present petition is dismissed. All other pending application(s), if any, also stand(s) disposed of.
28. A copy of this order be sent to the learned Trial Court for necessary information and compliance.
29. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 19, 2026/PG