

VS
CNR No. CIS No.
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IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, FARIDABAD. (UID NO. HR-0524)

.....Complainant /Petitioner
Versus
.....Respondents.

APPLICATION U/S 25(2) R/W 28 ON BEHALF OF RESPONDENTS
NO.2 TO 4 SEEKING DELETION THEIR NAMES FROM THE ARRAY
OF PARTIES

Present: Sh. Advocate for the petitioner
Sh. r Respondent No.1
Sh. Applicant/Respondents No.2 to
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ORDER:-

This order shall dispose of the application filed on behalf of Sh.
(respondent
Nos. 2, 3 and 4 respectively, hereinafter “the applicants”) under Sections
25(2) read with 28 of the Protection of Women from Domestic Violence Act,
2005 (hereinafter “the Act”), praying that their names be deleted from the
array of respondents in the complaint filed by
(hereinafter “the complainant”) under Section 12 of the Act.

2. The complainant is the wife of respondent No. 1,

It is not in dispute that the marriage between them was solemnised in
or about May 2023 and that the complainant thereafter resided

She has instituted the
present proceedings under Section 12 of the Act, alleging domestic violence,

and has arrayed as respondents not only her husband but also his father, mother and sister, i.e. the applicants.

3. That the applicants are the father-in-law, mother-in-law and sister-in-law of the complainant respectively is admitted (para 2 of the application; para 2 of the reply, which describes it as a matter of record).

4. The application is supported by the affidavit of respondent No. 2, and is signed by all three applicants. In substance, the applicants contend as follows:

(i) The averments in the complaint do not satisfy the essential ingredients of Sections 2(f), 2(s) and 3 of the Act, which are the foundational conditions for proceeding against any person under the Act.

(ii) From the commencement of the marriage the complainant resided at [REDACTED] together with respondent No. 1, whereas the applicants have been residing at [REDACTED]

[REDACTED] Even before the marriage the complainant herself asked respondent No. 1 to arrange separate accommodation so that she could spend time alone with him, and consequently the couple took up residence at the [REDACTED] which is a residence separate from that of the applicants.

(iii) The applicants have lived separately with minimum interference in the matrimonial life of the complainant and respondent No. 1, have never raised any demand for dowry, jewellery, cash, costly articles,

clothes or other valuables, and have never subjected the complainant to physical or mental harassment.

(iv) Respondent No. 4 (the sister-in-law) has, in fact, always supported the complainant and taken her side whenever she had a disagreement with respondent No. 1, in proof of which copies of WhatsApp communications between respondent No. 4 and the complainant have been placed on record as Annexure-A.

(v) The allegations rest on conjecture, surmise and afterthought; no incriminating material has been placed on record against the applicants; and the proceedings have been initiated against them only to harass respondent No. 1 and pressurise him into acceding to the complainant's demands. Their continuance would cause the applicants needless mental agony and waste the time of the Court.

5. The complainant has filed a reply dated 21.09.2026 opposing the application, pleading that it is not maintainable and is false and frivolous, though no ground of non-maintainability is spelt out. Paras 1 to 3 of the application are described as matters of record. As to para 4, she admits that after marriage she and “the respondents” lived together at the Noida address. Para 5 is denied, but it is again admitted that after marriage she resided with “the respondents” at the [REDACTED] address, and it is asserted (para 7) that all the respondents reside at the same Noida premises. Paras 7 to 11 and the prayer are denied.

6. In response to para 8 of the application, the complainant asserts

that “on the next day of marriage” the respondents started harassing her and demanded additional dowry; that the mother-in-law and sister-in-law taunted her over the quality of the *istridhan* she brought; that the mother-in-law, “with the sole ulterior motive”, harassed and pressurised her mentally as well as physically; that the mother-in-law and sister-in-law kept the entire gold jewellery in their custody; and that the mother-in-law taunts her that she does not know how to cook. The remaining averments of the reply concern respondent No. 1 alone: that after two days of marriage he taunted her that the wedding was not held as per expectations; that on a honeymoon at Gangtok from 23.05.2023 he taunted her about the modesty of her family and made an obscene video of the couple in intimate acts, with the intention of blackmailing her later.

7. I have heard learned counsel for the parties and have perused the record, including the application, the affidavit in support, the reply and the documents annexed.

8. The following questions arise for determination:

- (a) Whether the application is maintainable and, if so, in exercise of what power it can be entertained?
- (b) Whether, on the case set up by the complainant, any act of “domestic violence” within the meaning of Section 3 of the Act is attributed to respondent Nos. 2 to 4 with sufficient particularity so as to justify their being proceeded against?
- (c) Relief.

9. Under Section 2(a) of the Act an “aggrieved person” is any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to an act of domestic violence by the

respondent. Section 2(f) defines “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, a relationship in the nature of marriage, adoption, or are family members living together as a joint family. Section 2(q) defines “respondent” as a person who is, or has been, in a domestic relationship with the aggrieved person and against whom relief is sought, with the proviso that an aggrieved wife may also file a complaint against a relative of the husband. Section 3 defines “domestic violence” and, by Explanation II, requires that whether any act, omission, commission or conduct amounts to domestic violence be determined on “the overall facts and circumstances of the case”.

10. The scope of Section 2(q) has been settled by the Hon'ble Supreme Court. In **Sandhya Wankhede v. Manoj Bhimrao Wankhede, (2011) 3 SCC 650**, it was held that the expression “relative of the husband” in the proviso is not confined to male relatives; and in **Hiral P. Harsora v. Kusum Narottamdas Harsora, (2016) 10 SCC 165**, the words “adult male” in Section 2(q) were struck down as violative of Article 14, so that a complaint under the Act can lie against female relatives of the husband as well. Further, in **Prabha Tyagi v. Kamlesh Devi, (2022) 8 SCC 90**, it was held that it is not mandatory for the aggrieved person to have actually resided with the persons against whom allegations are levelled at the time of seeking relief, and that the expression “domestic relationship” is an expansive one. The plea of the applicants that the complainant never lived with them therefore cannot, by

itself, take them outside the Act, and this Court does not propose to decide the application on that narrow footing. Likewise, a “shared household” is not confined to premises owned or tenanted by the husband: **Satish Chander Ahuja v. Sneha Ahuja, (2021) 1 SCC 414.**

11. At the same time, the wide amplitude given to the definition of “respondent” does not dispense with the requirement that a person who is called upon to answer a complaint must be alleged to have committed, or aided in, an act of domestic violence as defined in Section 3. Inclusion in the array of respondents is not automatic upon the person being a relative of the husband; the proviso to Section 2(q) says only that a complaint *may* be filed against such a relative, and the words “against whom the aggrieved person has sought any relief” in Section 2(q) presuppose that there is a cause of action pleaded against that person. Form II prescribed under the Domestic Violence Rules, 2006 accordingly calls for particulars of the acts complained of, and Section 12 contemplates that the Magistrate acts on the facts placed before him.

12. The Hon'ble Supreme Court has repeatedly cautioned against the tendency of roping in every relative of the husband in matrimonial disputes on the strength of bald and omnibus assertions. Reliance placed on **Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667**; **Geeta Mehrotra v. State of U.P., (2012) 10 SCC 741** (casual reference to names of family members, without any particulars of their role); and **Kahkashan Kausar @ Sonam v. State of Bihar, (2022) 6 SCC 599** (general and omnibus allegations

against in-laws, unsupported by specific instances, do not disclose a case against them and continuing the proceedings amounts to abuse of process). Those decisions were rendered in the context of Section 498-A IPC. The proceedings under the Act are civil in nature and are aimed at grant of protective and monetary reliefs, and this Court is conscious that the threshold to be met at this stage is lower than in a criminal prosecution. But the underlying principle that a person cannot be made to face proceedings on general allegations which do not spell out what that person did is of general application, and it is equally sound in proceedings under the Act, which also carry the consequence of orders being passed against, and criminal liability under Section 31 attaching to breach by, a respondent.

13. Section 25(2) of the Act provides that if the Magistrate, on receipt of an application from the aggrieved person or the respondent, is satisfied that there is a change in the circumstances requiring alteration, modification or revocation of any order made under the Act, he may, for reasons to be recorded in writing, pass such order as he may deem appropriate (see also *Satish Chander Ahuja (supra)*, where the provision was noticed). Strictly speaking, that provision deals with orders already made under the Act, and the present application does not point to any change in circumstances. The Court therefore does not rest its jurisdiction on Section 25(2) alone.

14. Section 28(1) of the Act applies the procedure of the Code of Criminal Procedure to proceedings under Section 12, and Section 28(2)

expressly preserves the power of the Court to lay down its own procedure for disposal of an application under Section 12. A plea that a person has been wrongly arrayed as a respondent goes to the root of whether that person is to be put to trial at all, and it is a matter which the Court, in the exercise of its power under Section 28(2), is competent indeed obliged to examine before proceeding further with the complaint against him or her. The prayer for deletion, though described by the applicants as one under Section 25(2), is in substance an objection as to the continuance of proceedings against persons against whom no cause of action is disclosed, and the Court treats the application as one under Section 28(2) of the Act, the reference to Section 25(2) being a misdescription which does not prejudice the complainant, who has been heard on the merits of the objection and has not articulated any objection on this account. The application is held to be maintainable.

15. This Court takes the complainant's case at its highest and, in her favour, proceeds on the basis that the applicants are relatives of her husband within the proviso to Section 2(q), that a domestic relationship with them arises by virtue of the marriage [REDACTED], and that the complainant resided at the [REDACTED]t. The disputed question whether the applicants themselves resided at the [REDACTED]i need not be decided at this stage; it is not decisive, for even on the complainant's own version the question remains what act of domestic violence is attributed to each applicant. That is the question on which this application turns.

16. Respondent No. 2 [REDACTED] Neither the

complainant's reply nor her para-wise response to the application attributes a single act, statement, demand or omission to the father-in-law. The only assertion which encompasses him is the collective statement that “the respondents” started harassing the complainant and demanded additional dowry on the day after the marriage. That statement gives no particulars whatever: it does not say what was demanded, when, by whom, in what words, or on what occasion, and it does not say what the father-in-law did or said. Every specific allegation in the reply is directed at the mother-in-law, the sister-in-law or, in the main, respondent No. 1. The father-in-law appears in the array of respondents only by reason of his relationship with the husband. That is not enough.

17. Respondent Nos. 3 and 4 [REDACTED]

[REDACTED]. The allegations specifically directed at them are that they taunted the complainant about the quality of her *istridhan* and about her cooking, that the mother-in-law harassed and pressurised her “mentally as well as physically”, and that they retained the gold jewellery in their custody.

Considering these in turn:

- (i) **Taunts.** The taunts are not attributed to any date, occasion or event, and are not said to have been accompanied by any threat, abuse, insult of a nature contemplated by Section 3, Explanation I(iii), or any consequence to the complainant. A remark that a daughter-in-law has not learnt to cook or that her family has been niggardly, while unpleasant, is the ordinary stuff of domestic friction in an unsettled matrimonial home. Explanation II to Section 3 requires the overall facts and circumstances to be looked at; and when so looked at, taunts

of this general description, unspecific as to time and manner and unaccompanied by any particularised act of humiliation, do not by themselves disclose domestic violence as defined.

(ii) **“Mentally as well as physically”**. This is a bare conclusion. No act of physical harm is described, no date, injury, medical examination, complaint to the police, Protection Officer or any other authority is pointed out in the reply, and nothing is said as to what was done to pressurise the complainant mentally. The assertion is that the mother-in-law acted with a “sole ulterior motive” without saying what that motive was. Such generalities are of the very kind which the Supreme Court has held insufficient to fasten a person with liability.

(iii) **Custody of jewellery**. It is alleged that the mother-in-law and sister-in-law “kept the entire gold jewellery in their custody”. Economic abuse under Section 3, Explanation I(iv) consists of deprivation of economic resources or of *stridhan* to which the aggrieved person is entitled, or prohibition or restriction of access to them. The reply does not say what jewellery is meant, when and by whom it was entrusted, whether the complainant ever asked for it back, and whether it was refused or she was denied access. Mere custody of jewellery by the elders of a household, without a demand and refusal or any averment of deprivation, does not amount to economic abuse. If the complainant claims return of her *stridhan*, that relief can be pursued against the husband, who is the person answerable to her in the matrimonial relationship, and the reply discloses no averment that the applicants have refused to return it.

Nature of the specific allegations.

18. The only allegations in the reply which are particularised are those concerning respondent No. 1: the taunts by him about the wedding and the honeymoon, and the making of the video at [REDACTED] on the honeymoon

which began on 23.05.2023. By the complainant's own account these acts took place between the spouses during a honeymoon at Gangtok, and the complainant makes no attempt to connect the applicants with them. The gravest allegation in the case of blackmail by threat to upload the video is therefore, on her own pleading, an allegation against respondent No. 1 alone, which will be fully tried against him.

19. Two further features deserve notice. First, the reply is not supported by an affidavit of the complainant, whereas the application is supported by a sworn affidavit of respondent No. 2 and is signed by the other two applicants. Second, the complainant has not pointed out, either in the reply or by way of submissions, which paragraph of the complaint or Domestic Incident Report contains the particulars set out in her reply, nor has she placed any document on the record with the reply. A reply to an interlocutory application is not the place to supplement the pleaded case, and to the extent that the allegations in para 8 of the reply are not found in the complaint they cannot be used to found a cause of action against the applicants at this stage.

Annexure-A.

20. The applicants have placed on record WhatsApp communications between respondent No. 4 and the complainant, which, according to them, show that respondent No. 4 supported the complainant in her disagreements with respondent No. 1. The complainant has met this with a general denial of para 8 of the application; she has not denied the

authenticity of the communications, nor pointed to any message in them which shows hostility, taunting or harassment by respondent No. 4. The Court does not decide the admissibility or the evidentiary value of the messages, which is a matter for trial, if at all necessary; but the material stands unrebutted at this stage and, as a piece of contemporaneous correspondence, lends some weight to the applicants' plea, at least as regards respondent No. 4, that there was no hostility on her part towards the complainant. In any event, the complainant's own version attributes to respondent No. 4 nothing beyond a taunt of the kind noticed above.

21. The complainant loses nothing of substance by the deletion of the applicants. The reliefs contemplated by the Act protection, residence, monetary relief, custody and compensation (Sections 18 to 22) can all be effectively claimed against her husband, who remains a respondent and against whom the entire complaint, including the most serious allegations, will proceed. The complainant, on her own case, resides in the [REDACTED] flat with her husband and not in the applicants' [REDACTED] idence, and there is no averment that any of the applicants has threatened to dispossess her or to interfere with her residence there. On the other side, the applicants one of whom, the father-in-law, is stated to be about 64 years of age would have to face proceedings for years on the strength of assertions which, as shown above, do not disclose what each of them is said to have done. Such a prospect, in the circumstances of this case, would amount to an abuse of process.

22. Accordingly, on the pleadings as they stand, this Court finds that no specific act of domestic violence within the meaning of Section 3 of the Act is attributed to respondent No. 2, and that the allegations against respondent Nos. 3 and 4 are omnibus, unparticularised and, taken at their highest, do not disclose domestic violence as defined. The continuation of the proceedings against respondent Nos. 2 to 4 is therefore not warranted. Point (b) is decided accordingly. This finding is limited to the question of the arraying of the applicants as respondents. It is recorded only for the purpose of this application, and shall not affect or prejudice the merits of the complaint against respondent No. 1.

23. For the reasons recorded above, **the application filed under Sections 25(2) read with 28 of the Act on behalf of respondent Nos. 2 to 4 is allowed. The names of [REDACTED] (respondent No. 2), Smt. [REDACTED] (respondent No. 3) and [REDACTED] (respondent No. 4) are ordered to be deleted from the array of parties, and they stand discharged from the proceedings arising out of the complaint of the complainant under Section 12 of the Act.** The complainant is directed to file the amended memo of parties within one week.

24. It is clarified that the observations made herein are confined to the disposal of this application, and that the complaint shall proceed against respondent No. 1, and be decided on its own merits and in accordance with law, uninfluenced by any observation made in this order. In the event that the evidence led at trial discloses material showing that any of the deleted

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persons committed or abetted an act of domestic violence against the complainant, it shall be open to the complainant to move an appropriate application for impleadment, which shall be considered on its own merits.

No order as to costs.

Announced in open court:

21.09.2026

Mohit Sardana, SG-II

[REDACTED]
**Judicial Magistrate First Class,
Faridabad, UID-HR0524**

Note: All the pages of this judgment have been duly checked and signed by me.

[REDACTED]
**Judicial Magistrate First Class,
Faridabad, UID-HR0524**