IN THE COURT OF SESSION JUDGE, (WEST DISTRICT) TIS HAZARI COURTS, DELHI

Criminal Appeal No. ____ of 2026

IN THE MATTER OF:

[redacted] ..... Appellant

VERSUS

[redacted] .....RESPONDENTS

PS: PASCHIM VIHAR (WEST) DELHI

MEMO OF PARTIES

[redacted]

E-mail: [redacted]

Through her Attorney/Father

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Date.....Examiner

[redacted] ..... APPELLANT

VERSUS

1.SH. [redacted]

S/O S [redacted]

[redacted]

Presently residing at:

[redacted]

Email: [redacted]

(2) [redacted]

S/[redacted]

[redacted]

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(2)

[redacted]

(3) [redacted]

[redacted]

[redacted] .....RESPONDENTS

PS: PASCHIM VIHAR (WEST) DELHI

DELHI. APPELLANT THROUGH: ATTORNEY

DATED Through

17/03/26 [redacted]

Advocate

Cabin. [redacted]0,EXTENTION M BLOCK ,

TIS HAZARI COURTS, DELHI- 110054,

MOBILE NO. [redacted]

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IN THE COURT OF SESSION JUDGE, (WEST DISTRICT) TIS HAZARI COURTS, DELHI

Criminal Appeal No. ____ of 2026

IN THE MATTER OF:

[redacted] ..... APPELLANT

VERSUS

[redacted] .....RESPONDENTS

PS: PASCHIM VIHAR (WEST) DELHI

CRIMINAL APPEAL UNDER SECTION 29 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 AGAINST THE JUDGMENT/ORDER DATED 13.01.2026 PASSED BY THE LEARNED JMFC/MAHILA COURT (WEST DISTRICT) TIS HAZARI COURTS, DELHI, IN COMPLAINT CASE NO. MC 179/2021

MOST RESPECTFULLY SHOWETH:

1.That the Appellant by way of the present appeal against the Judgment/Order Dated 13.01.2026 PASSED BY THE LEARNED Ms [redacted] JMFC/Mahila Court (West District) Tis Hazari Courts, Delhi, In Complaint Case NO. MC 179/2021 [redacted] Whereby Application filed for the deletion of R2 & R3 from the array

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CA No. 123/2026

[redacted]

08.10.2026

Present: Ms. Babita Sharma, Ld. Counsel for appellant.
Sh. Prateek Jindal and Ms. Pritha Khanna, Ld. Counsel for respondent.

Vide separate judgment of even date dictated and announced in the open Court, the present appeal stands dismissed, the impugned order dated 13.01.2026 of the Ld. Trial Court is upheld.

Copy of the judgment alongwith Trial Court Record be sent to the Ld. Trial Court for information and records.

This appeal filed be consigned to Record Room after due compliance.

TCR Sent with order on 08-10-26

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ASJ-02/West/THC
Delhi/08.10.2026

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IN THE COURT OF ADDL. SESSIONS JUDGE-02, WEST, TIS HAZARI COURTS, DELHI

Criminal Appeal No. 123/2026

In the matter of :-

[redacted]

[redacted] oad,
V),

Through her attorney/ father
[redacted]

..... Appellant
(through Ms. Babita Sharma, Advocate)

Versus

(1) [redacted] oor,

Presently residing at :
[redacted]

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(2) [redacted] (father-in-law),
[redacted]

(3) [redacted] (mother-in-law),
[redacted]

.....Respondents
(through Sh. Prateek Jindal, Sh. Himanshu Goel and Ms. Pritha Khanna, Advocates)

CRIMINAL APPEAL UNDER SECTION 29 OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005

Date of institution	:	18.03.2026
Date when judgment reserved	:	16.09.2026
Date of Judgment	:	08.10.2026

JUDGMENT:

1. The present appeal has been filed U/s 29 of Protection of Women from Domestic Violence Act, 2005 on behalf of appellant/ aggrieved wife to set aside the order dated 13.01.2026 passed by Ld. JMFC (Mahila Court)-06, West District, Tis Hazari Courts, Delhi in MC No. 176/2021, vide which respondents no.2 & 3 who were her parents-in-law of the appellant/ aggrieved wife, were deleted from the array of the parties and were discharged, on an application moved on their behalf.

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2. The present appeal was filed alongwith an application for condonation of delay in filing the present appeal.

Factual Matrix

3. Succinctly stated, a complaint U/s 12 of the D.V. Act was filed by the appellant/ aggrieved wife through her father/ attorney [redacted] against her husband (respondent no.1), father-in-law (respondent no.2) and mother-in-law (respondent no.3). After filing the same, appellant/ aggrieved wife filed a divorce petition and settled the matter with respondent no.1/ husband at the Federal Circuit and Family Court of Australia (Division-02) vide order dated 11.04.2023. As a consequence of the dismissal of response and granting of the divorce, the wife consented to remove the respondent no.1/ husband in proceedings initiated by her in India. It is stated that the respondent no.1/ husband filed the order dated 11.04.2023 of the Federal Circuit and Family Court of Australia (Division-2) in petition U/s 12 D.V. Act before Ld. Trial Court and in consequence thereof, the appellant/ aggrieved wife had withdrawn the case from the Court of Ld. Trial Court against respondent no.1/ husband. The same was recorded by the Ld. Trial Court vide order dated 13.04.2023. It is stated that an application for deletion of their names from the array of parties filed on behalf of respondents no.2 & 3, which was allowed and their names were deleted from the array of parties and they were discharged from in petition U/s 12 D.V. Act. It is alleged that

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appellant/ aggrieved wife was subjected to domestic violence by respondents no.2 & 3 as they have retained her *stridhan* and not returned the same despite repeated demands, owing to which appellant/ aggrieved wife was constrained to file the petition/ complaint under relevant provisions of D.V. Act.

Grounds of Appeal

4. Being aggrieved of the above-said order, the appellant/ aggrieved wife has assailed the same on following grounds:-

(i) *That the Ld. Trial Court failed to appreciate the evidence on record properly and the impugned order is arbitrary and unjust as the appellant was claiming the relief U/s 18, 19(f)(iii) and 20 or 22 PWDV Act, 2005 against respondents no.2 & 3 in the application U/s 12 of PWDV Act, 2005.*

(ii) *That primary allegations against respondents no.2 & 3 are that they had illegally kept jewellery and stridhan of appellant/ aggrieved wife in their possession and have not returned the same. Further, there are specific allegations of torture and demand of dowry against respondents no.2 & 3.*

(iii) *That the Ld. Trial Court ignored settled principles of law that as per the provisions of law, it is not mandatory for the aggrieved person to have actually lived or resided with the respondents no.2 & 3 at the point of time when commission of violence have been levelled. The phrase "lives or at any stage has lived as appearing in Section 2(s) of the PWDV Act, 2005 was interpreted to mean such household which the aggrieved person shared with the respondents, at the time of filing the application under the PWDV Act, or a household which the aggrieved person had been excluded from in the recent past. Thus, it is not necessary that the aggrieved person must have been living with the respondents at the time when alleged acts of domestic violence were perpetuated as there is no statutory requirements to this effect.*

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(iv) *That the Ld. Trial Court has failed to appreciate that from the very first day after marriage appellant/ aggrieved wife started staying at 11/187, Geeta Colony, Delhi, in the shared household as a member of the joint family alongwith respondents no.1 to 3. It is contended that appellant/ aggrieved wife never came back to her matrimonial home after 27.02.2020.*

5. It is argued on behalf of appellant/ aggrieved wife that from the date of her marriage on 09.02.2020 till 27.02.2020, she resided with her parents-in-law i.e. respondents no.2 & 3. Further, she is not seeking residential order, but seeking her jewellery back. It is contended that they committed domestic violence with her by keeping her jewellery. It is contended that she has been economically abused. It is contended that in the divorce decree there is no mention of any settlement with respondents no.2 & 3. It is contended that the evidences on record were not considered by the Ld. Trial Court as there is specific allegations of torture and demand of dowry in paras no. 9, 10, 12, 15, 17, 19, 20, 25 and 26 of brief facts of complaint U/s 12 of PWDV Act against respondents no.2 & 3. It is contended that even if, the appellant/ aggrieved wife has been divorced at the time of filing of D.V. Act petition, however the same does not matter and a petition can lie as held in ***Prabha Tyagi Vs. Kamlesh Devi, passed by Hon'ble Supreme Court, dod 12.05.2022***. It is further argued that delay in filing the present appeal is only of 32 days which has been caused as father of appellant/ aggrieved wife who is also her attorney is 76 years old and has suffered a paralytic attack. Hence, it is requested that the present appeal may be allowed and the impugned order may be set-

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aside.

6.(i) Written reply filed on behalf of respondents no.2 & 3 wherein it is stated that the Ld. Trial Court has correctly held that the domestic relationship must be more than a fleeting presence. Since the appellant/ aggrieved wife established a separate matrimonial household in Australia shortly after marriage and she resided with respondents no.2 & 3 merely for 10 days, hence there was no domestic relationship and shared household between appellant/ aggrieved wife and respondents no.2 & 3. It is contended that appellant/ aggrieved wife and respondents no.2 & 3 never had any intention to establish any shared household or domestic relationship, which is apparent from the fact that prior to the marriage present appellant/ aggrieved wife and respondent no.1/ husband were residing in Australia and shortly after marriage went back to Australia as a married couple resuming their jobs and education. Ld. Counsel relied on various judgments to buttress his argument that there is no domestic relationship between appellant/ aggrieved wife and respondents no.2 & 3.

(ii) It is contended that the appeal has been filed with the delay and there is no sufficient cause shown by appellant/ aggrieved wife for delay of 32 days in filing of the present appeal.

(iii) During oral arguments, it is apprised by Ld. Counsel for respondents no.2 & 3 that impugned order is dated 13.01.2026,

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however the present appeal has been filed on 18.03.2026, thus with the delay of 32 days. It is contended that medical documents of father/ attorney of appellant/ aggrieved wife is of year 2022 and not of 2026 to show any sufficient cause after passing of the order which restrained her from filing the present appeal in due time. Thus, there is no ground of delay in 2026. It is contended that despite after suffering from medical problems in 2024, medical documents also attached, father of appellant/ aggrieved wife has been regularly appearing in the Court in 2025 and 2026 which shows that they have taken false grounds for condonation of delay. It is contended that appellant/ aggrieved wife and respondent no.1/ husband were already living in Australia. They just came for marriage in Delhi, after which they again went back to Australia. Thus, there is no domestic relationship between appellant/ aggrieved wife and respondents no.2 & 3 and they never shared the household. It is contended that under D.V. Act there is no remedy to return *stridhan*, only compensation can be sought from husband. It is requested that the appeal be dismissed with heavy cost.

7. Arguments heard on behalf of both the parties and record perused carefully.

Delay in filing of appeal

8. The present appeal has been filed U/s 29 D.V. Act. As per Section 29 D.V. Act, *there shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the*

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Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.

9. The present appeal has been filed on 18.03.2026 against the impugned order dated 13.01.2026 i.e. 63 days after passing of the order, while the limitation period was only 30 days, thus the appeal was filed with the delay of 33 days from the date of order. Thus, the same has been filed with considerable delay. Now, the undersigned would see if the delay has been sufficiently explained or not.

10. The impugned order is dated 13.01.2026. The appellant/ aggrieved wife alongwith her counsel Ms. Babita Sharma were present in the Court on that day. It has been directed that copy of order be given *dasti* to both the parties. Infact, it is on the basis of that *dasti* copy only, the present appeal has been filed. Thus, there was no delay in procuring the copy of the order. Infact, the copy was received by appellant/ aggrieved wife on 20.01.2026 itself, despite that the appeal has been filed on 18.03.2026, while the same should have been filed by 19.02.2026. Thus, there is apparent delay of 26 days in filing the appeal. The reason given for the delay is that father/ attorney of the appellant/ aggrieved wife is 76 years old and he is suffering from old aged diseases and need help to visit Court. It is contended that father/ attorney of the appellant/ aggrieved wife [redacted] is also admitted in hospital on 25.01.2024.

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11. In the case titled as ***Pathapati Subba Reddy (died) by LRs & Ors. Vs. The Special Deputy Collector (LA), 2024 SCC OnLine SC 513*** the Hon'ble Supreme Court recapitulated the scope of Section 5 Limitation Act and held thus:

> *"26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:*
> *(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;*
> *(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;*
> *(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;*
> *(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;*
> *(v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;*
> *(vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;*
> *(vii) Merits of the case are not required to be considered in condoning the delay; and*
> *(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamount to disregarding the statutory provision".*

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12. It is to be noted that it is not the length of the delay, but the reason of the delay which has to be considered.

13. In the present matter, medical documents of father/ attorney of appellant/ aggrieved wife, attached to seek condonation of delay are of year 2024, thus they have no value in the eyes of law for condonation of delay taken place in 2026. As such, the reason apprised by appellant/ aggrieved wife to file appeal with delay is not sufficient. Hence, the application for condonation of delay is, accordingly, dismissed.

14. Though the undersigned has dismissed the application moved for condonation of delay in filing the appeal, hence the appeal accompanying the same also deserves to be dismissed on this technical ground being filed with delay. However, even on merit the appeal filed by the appellant/ aggrieved wife would not succeed due to following reasons :-

15. Suffice it to say, the factum of marriage between appellant/ aggrieved person and respondent no.1/ husband, is not in dispute. It is also not in dispute that the permanent address of the appellant/ aggrieved wife and respondent no.1/ husband is of Australia.

16. The issue presented for consideration is whether the respondents no.2 & 3 who are parents-in-law of the aggrieved

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person and admittedly residing in their own house that to in a different country, can be stated to be in a domestic relationship within the meaning of Section 2(f) of the D.V. Act particularly when prior to marriage appellant/ aggrieved wife lived in Australia, came to Delhi only for marriage and and 10 days after the marriage again went with respondent no.1/ husband to Australia, to set up a household there.

17. The D.V. Act itself defines the terms "aggrieved persons", "domestic relationship" and "shared household" in the following terms:-

> *"Section 2. Definitions – In this act, unless the context otherwise requires -*
>
> *(a) "aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;*
>
> *XXXX XXXX XXXX*
>
> *(f) "domestic relationship" means 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 through a relationship in the nature of marriage, adoption or are family members living together as a joint family;*
>
> *XXXX XXXX XXXX*
>
> *(s) "shared household" means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a house hold whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household."*

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18. The Hon'ble Supreme Court in ***Satish Chander Ahuja vs. Sneha Ahuja (2021) 1 SCC 414***, with respect to the definition of shared household in the DV Act, has observed inter alia as follows:-

> *"68. The words "lives or at any stage has lived in a domestic relationship" have to be given its normal and purposeful meaning. The living of woman in a household has to refer to a living which has some permanency. Mere fleeting or casual living at different places shall not make a shared household. The intention of the parties and the nature of living including the nature of household have to be looked into to find out as to whether the parties intended to treat the premises as shared household or not. As noted above, the 2005 Act was enacted to give a higher right in favour of women. The 2005 Act has been enacted to provide for more effective protection of the rights of the women who are victims of violence of any kind occurring within the family. The Act has to be interpreted in a manner to effectuate the very purpose and object of the Act. Section 2(s) read with Sections 17 and 19 of the 2005 Act grants an entitlement in favour of the woman of the right of residence under the shared household irrespective of her having any legal interest in the same or not."*

19. While the above observations of the Court are in the context of the place of residence of the "aggrieved person", it would equally apply to the identification of those who may be properly impleaded as respondents on the basis of residence in the shared household. Just as the woman living fleetingly or casually at different places, would not convert those places into a "shared household", the visits of sundry family members to the matrimonial home, without permanency or the intention to treat the premises as shared household, would not render them as members of the "shared household". Thus, the temporary visits by appellant/ aggrieved wife residing in a different country would not make her

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a member of shared household. Further, there is no suggestion in the D.V. Act petition that appellant/ aggrieved wife was intended to be, permanently resident in the said household.

20. In the case in hand, prior to the marriage aggrieved wife and her husband were living in Australia. They simply came for marriage to India and after the marriage, they again left for Australia and continued to reside there. They also took divorce in Australia. Though, it is a fact that after marriage for 10 days appellant/ aggrieved wife was residing in Delhi with respondents no.2 & 3, however that short stay would not make the residence of respondents no.2 & 3 a shared household for appellant/ aggrieved wife as she never had intention to permanently reside in that house as her intention was to make their shared household in Australia only and she started living separately in Australia only from 02.05.2020 by leaving her house shared with her husband.

21. It has also been held in the case titled as ***Vijay Verma Vs. State of NCT of Delhi & Anr., AIR 2011 (NOC) 171 (DEL)*** that once the son alongwith his wife moved out of the house of his parents, domestic relationship between them came to an end. Even if, they have right as coparcenary in that property. Once they moved out of the house permanently, the domestic relationship came to an end.

Similarly, in the present case, firstly the appellant/ aggrieved wife had no intention to form domestic relationship with

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respondents no.2 & 3, as her intention was always to have permanent household in Australia.

22. The Ld. Trial Court has rightly observed that when two parties residing together at any point of time regardless of the intent to continue residing in the same shared household would not automatically establish the domestic relationship between them. The fact which also needs to be examined is whether the right to live, survives or not. Further, the issue of domestic relationship was also discussed by the Hon'ble Delhi High Court in another case titled as ***Harbans Lal Malik Vs. Payal Malik, Crl. Rev. P. No. 253/2010 decided on 29.07.2010***, wherein it was held that in order to arraign a person as a respondent in a petition under Section 12 PWDV Act, there must exists a domestic relationship between them. If there is no domestic relationship between the aggrieved person and the respondent, the Court cannot pass an order against such person. The concept of family and domestic relationship has been discussed in the said judgment in following words:-

> *"18. Thus, in order to constitute a family and domestic relationship it is necessary that the persons who constitute domestic relationship must be living together in the same house under one head. If they are living separate then they are not a family but they are relatives related by blood or consanguinity to each other. Where parents live separate from their son like any other relative, the family of son cannot include his parents. The parents can be included in the family of son only when they are dependent upon the son and/or are living along with the son in the same house. But when they are not dependent upon the son and they are living separate, the parents shall constitute a separate family and son, his wife and children shall constitute a separate family. There can be no domestic relationship of the wife of son with the parents when the parents are not living along with the*

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son and there can be no domestic relationship of a wife with the parents of her husband when son along with the wife is living abroad, maintaining a family there and children are born abroad. I, therefore consider that Harbans Lal Malik could not have been made as a respondent in a petition under Domestic Violence Act as he had no domestic relationship with aggrieved person even if this marriage between her and her husband was subsisting."

23. Thus, it is rightly held by the Ld. Trial Court that the facts of the present case when juxtaposed with the concept of domestic relationship as elucidated in the quoted judgments reveal that the domestic relationship was never established between the appellant/ aggrieved wife and respondents no.2 & 3. It is admitted that the appellant/ aggrieved wife was well aware of the fact that respondent no.1/ husband was residing in Australia and that she would reside in Australia after her marriage. Said intention is clear from the fact that the appellant/ aggrieved wife left for Australia with respondent no.1 on 27.02.2020 i.e. merely 17 days after her marriage. The appellant/ aggrieved wife has nowhere stated that her in-laws i.e. respondents no.2 & 3 resided with her in Australia and she admittedly started residing separately from respondent no.1 since 02.05.2020 at Australia. It is not the case of the appellant/ aggrieved wife that she came back to her matrimonial home to reside with respondents no.2 & 3 and was not allowed entry therein. The appellant/ aggrieved wife never came back to her matrimonial home after 27.02.2020 which is apparent from the face of the record and it is also clear that after the withdrawal of the present case against respondent no.1, the appellant/ aggrieved wife has left India and still continues to reside in Australia. It is also pertinent to note

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that the appellant/ aggrieved wife has already obtained divorce from her husband i.e. respondent no.1 and at present, no relationship survives between her and the remaining respondents. Hence, domestic relationship between the appellant/ aggrieved wife and respondents no.2 & 3 has not been established as described under the PWDV Act.

24. Further, the only allegation against the respondents no.2 & is that after the marriage of the aggrieved person all her *stridhan* was taken by them. There are also allegations of torture and demand of dowry against respondents no.2 & 3. Thus, it is apparent that the appellant/ aggrieved person has made omnibus allegation against all her in-laws including respondents no.2 & 3. At this stage, observations made by Hon'ble Allahabad High Court in case titled as ***Krishnawati Devi and Others Vs. State of U.P. and Another , dod 22.01.2025*** are relevant which are as follows:-

> *"13. From the above analysis, it is clear for holding a person liable u/s 3 of Domestic Violence Act, the following condition must be satisfied :-*
>
> *"The respondent must be related to the aggrieved person in the manner as mentioned in Section 2(f) and he lived or has been living together with aggrieved person in a shared household and then commits domestic violence in the manner mentioned in. Section 3 of Domestic Violence Act."*
>
> *14. This Court came across number of cases where just to harass the family of husband or the person in domestic relationship, aggrieved party used to implicate the relatives of other side who are not even living or lived with the aggrieved person in shared household and they have been residing at separate places. Therefore, courts below while issuing notice u/s 12 of the Domestic Violence Act must look into this fact from the perusal of the application filed u/s 12 of the Domestic Violence Act along with other available record including the report of the Protection*

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Officer, if available on record. It is further observed that the concerned courts before issuing notices to the persons impleaded as respondents in the application under Domestic Violence Act should satisfy about the fulfilment of the conditions mentioned in paragraph no. 13 of this judgment."

25. In the present matter, marriage of the aggrieved person had taken place on 09.02.2020. The appellant/ aggrieved wife had stayed with respondents no.2 & 3 only till 27.02.2020 and she never came back to them. Appellant/ aggrieved wife had not complained about the same, prior to filing of the D.V. Act petition. Apparently, the appellant/ aggrieved person has made general and omnibus allegations against respondents no.2 & 3 due to matrimonial discord with her husband. At this stage, observations made by Hon'ble Supreme Court in the cases mentioned herein under are also relevant :-

(i) In case titled as ***Kahkashan Kausar Vs. State of Bihar, 2022 SCC Online SC 162*** , Hon'ble Supreme Court held that :-

"it would be unjust if the in-laws are forced to go through the tribulations of a trial and that general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. The Court observed that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must therefore be discouraged. The Court also observed that while incorporation of section 498A of IPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid state intervention, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as 498A IPC as instruments to settle personal scores against the husband and his relatives. The Court took

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note of several rulings wherein the Court has expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. The Court has observed in those judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law...."

(ii) Further, in the case titled as ***Preeti Gupta and another Vs. State of Jharkhand and another [MANU/SC/0592/2010 : 2010: INSC: 512: (2010) 7 SCC 667***, the Hon'ble Apex Court has held that :-

"the ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinised with great care and circumspection."

26. In view of the above-stated discussions, considering the fact that only general, omnibus and bald allegations were made against the respondents no.2 & 3 (parents-in-law) who are residing in a different country i.e. India, while the appellant/ aggrieved wife is a permanent resident of Australia, thus, not a resident of shared household, the present appeal stands dismissed. The impugned order dated 13.01.2026 of the Ld. Trial Court is upheld.

AUTHORISED/ATTESTED
Date
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27. Copy of this judgment alongwith Trial Court Record be sent to the Ld. Trial Court for information and records.

28. This appeal file be consigned to Record Room after due compliance.

Announced in the open Court
on 08th October, 2026

[redacted]
ASJ-02, West,
Tis Hazari Courts
Delhi/08.10.2026

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Date.....Examiner

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