



2026:AHC-LKO:27418

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 1774 of 2025

Pranjal Poddar And 3 Others

.....Applicant(s)

Versus

Shivani Gupta

.....Opposite

Party(s)

Counsel for Applicant(s)	:	Rakesh Kumar
Counsel for Opposite Party(s)	:	Arun Kumar Gupta, Richa Sharma

Along with :

1. Application U/s 528 Bnss No. 2021 of 2025:

Pranjal Poddar

Versus

Shivani Gupta

Reserved on: 19.03.2026

Pronounced on: 21.04.2026

Delivered on: 21.04.2026

HON'BLE BRIJ RAJ SINGH, J.

1. Since both the applications have got common facts, therefore, the same are being decided together by a common order.

2. Application U/s 528 BNSS No.1774 of 2025 has been filed seeking quashing of the entire proceedings of Case no.1039 of 2025 (Shivani Gupta vs. Pranjal Poddar and others), pending in the court of Civil Judge (Junior Division)(FTC)(Mahila), Hardoi, and order dated 4.4.2025 as well as summons issued to the applicants by the Civil Judge (Junior Division)(FTC)(Mahila), Hardoi.

Application U/s 528 BNSS No.2021 of 2025 has been filed seeking quashing of the entire proceedings of Case no.271 of 2025 (Shivani Gupta vs. Pranjal Poddar), pending in the court of First Additional Principal Judge, Family Court, Hardoi under Section 144 of BNSS, and order dated 4.4.2025 as well as summon issued to the applicant by the First Additional Principal Judge, Family Court, Hardoi.

3. It has been submitted by learned counsel for the applicants that on 21.01.2025, marriage of applicant no.1 and opposite party was solemnized at Faridabad, Haryana and after marriage, opposite party moved to the matrimonial home on 22.01.2025. opposite party was welcomed in the matrimonial home with all love and affection. On 15.02.2025, opposite party returned matrimonial home from her office in a Black Colour Car bearing No.UP16 CH0646 with an unknown person even though she previously informed applicant no.1 that she would be coming home in a cab as she hired the one from her office. When applicant no.1 enquired about the mode of her return, opposite party got agitated and tried to misrepresent him that she came back home in cab, however, on persistent questioning by applicant no.1, she disclosed that she was dropped by her colleague, namely, Abhishek Singh. Further, she threatened applicant no.1 to hit herself with bottle and cause bodily injuries to herself in case, applicant no.1 continues to make further enquiries about him. The demeanour and behaviour of opposite party aroused serious suspicion in the mind of applicant no.1 due to which he conducted inquiries in the office of opposite party, i.e., HDFC Bank, Preet Vihar/Gagan Vihar, New Delhi about Abhishek Singh. Applicant no.1 got shocked when he came to know that no person named Abhishek Singh was working in the office of the opposite party.

4. Learned counsel for the applicants has further submitted that on 23.02.2025, which was a Sunday, opposite party was repeatedly getting voice calls and video calls from Mob.8742924579, however, instead of answering the calls, she disconnected all the calls in the presence of applicant no.1 thereby arousing suspicion. Applicant no.1 confronted her about those calls at odd hours on a holiday and insisted that she should attend the call to clarify the matter. Upon his insistence, opposite party answered the call, however, abruptly disconnected the same after a very short conversation. Immediately, thereafter, opposite party received a whatsapp message from the aforesaid number "I Love You". The said message was also seen by applicant no.1 further confirming his suspicion regarding the opposite party's infidelity towards him. When applicant no.1 confronted opposite party about the identity of the caller and sender of message, she disclosed that the person who made repeated calls and sent her whatsapp message was Abhishek Bisht employed as a Manager

(Operations) at Greater Kailash Branch of HDFC Bank. Upon further inquiry by applicant no.1, opposite party misrepresented the facts by falsely stating that the said person was employed at Kalkaji Branch of HDFC Bank instead opposite party told applicant no.1 that her marriage was performed by her family against her wishes.

5. Further submission of applicants' counsel is that applicant no.1 found one video wherein opposite party was seen in a pub with unknown persons just ten days before the marriage. Upon being confronted, opposite party acknowledged the occurrence and explicitly stated that she would engage in similar conduct in future as well and challenged him to take any action if he has guts. The opposite party threatened the applicants to commit suicide in case they disclosed the abovesaid messages and emails to her parents or anyone and that she would implicate everyone in his family in false cases and harm their reputation in society. It has been submitted that on 27.02.2025, the father, brother and two sisters of opposite party came to the matrimonial home and contrary to the whatsapp messages and email exchanged tried to impress upon the applicants that Abhishek Bisht was sending messages and email against her wishes and assured applicant no.1 and his family members to lodge an FIR against Abhishek Bisht and on the pretext of lodging the complaint at Police Station Surajkund, they took opposite party alongwith them, however, they did not lodge any complaint. As per CCTV footage dated 27.02.2025, opposite party and her family members are seen leaving the matrimonial home comfortably of their own. On 08.03.2025, applicant no.1 sent an intimation in regard to the above incidents to SHO, Police Station Surajkund as well as Commissioner of Police, Faridabad, Haryana. On 10.03.2025, applicant no.3 filed a Civil Suit being Civil Suit No.19 of 2025 before the Principal Judge, Family Court, Faridabad, Haryana for permanent and mandatory injunction against opposite party and others. On 12.03.2025, the service of summons was effected on opposite party in Civil Suit No.19 of 2025 by way of email dated 12.03.2025 sent by the counsel for applicant no.3.

6. It has been further submitted by learned counsel for the applicants that a perusal of the complaint dated 04.03.2025 would show that on 04.03.2025, after a delay of five days when opposite party left the

matrimonial home on 27.02.2025, she sent a complaint dated 04.03.2025 to SHO, Police Station Surajkund, Faridabad, Haryana by post from her office - HDFC Bank, 284, Gagan Vihar, Delhi wherein no allegation of demand of dowry or harassment or hurling abuses were made against the applicants. The only allegation which was made against the applicants was that on 27.02.2025 at about 1:00 p.m., she was beaten up by her husband and his family members and was thrown out of the house and both her mobile phones were snatched from her. The above said complaint reached police station Surajkund, Faridabad, Haryana on 09.03.2025. Even though opposite party has been residing in Laxmi Nagar, New Delhi and working in HDFC Bank at Preet Vihar/Gagan Vihar, New Delhi, however, with an intention to harass and humiliate the applicants, she got an FIR No.123 of 2025 registered at Police Station Bilgram, Hardoi, U.P. against them on the basis of concocted, false and frivolous story.

7. It has also been submitted by learned counsel for the applicants that a perusal of the FIR would show that no cause of action at all arose within the territorial jurisdiction of Police Station Bilgram and, hence, no FIR should have been registered at Police Station Bilgram. It has been submitted that the Police without any application of mind and in a mechanical manner registered the FIR without even appreciating that opposite party did not take shelter in her parental home at Bilgram, Hardoi rather she took shelter in Laxmi Nagar, New Delhi where she was residing while working in HDFC Bank, Preet Vihar, New Delhi. On 25.03.2025, being aggrieved by the fact that opposite party was indulged in premarital relationship with Abhishek Bisht which she continued even after her marriage, applicant no.1 filed a petition under Section 12(2) of the Hindu Marriage Act before the Principal Judge, Family Court, Faridabad, Haryana seeking annulment of the marriage against opposite party inasmuch as the marriage was performed by misrepresenting and committing fraud upon applicant no.1 and his family members. On 29.03.2025, being aggrieved by the cruelties committed against her by the opposite party, applicant no.3 filed a Petition being COMA No.250 of 2025 under Section 12 of the Protection of Women from Domestic Violence Act against opposite party before the Judicial Magistrate First Class, Faridabad. On 04.04.2025, as a counter blast to the aforesaid cases

filed by applicant nos.1 and 3 against the opposite party, in order to wreak vengeance, she filed a Domestic Violence Case being Case no.1039 of 2025 under Section 12 of the Domestic Violence Act against the applicants before the Civil Judge (Junior Div.)(FTC), Mahila Court, Hardoi, U.P. It has been submitted that opposite party deliberately filed the above domestic violence case at Hardoi just to harass the applicants. The opposite party neither permanently nor temporarily resides at Hardoi, U.P. and she permanently resides at Laxmi Nagar, Delhi. For last more than nine years, she has been working in Delhi. Even at present, she is residing at D/47, 3rd Floor, Gali No.5, Laxmi Nagar, Shakarpur, Veer Savarkar Block, East Delhi, Delhi -110092. It has been submitted that the opposite party does not reside with her parents at Hardoi, U.P. rather she is gainfully employed at Delhi and, thus, the court of Civil Judge (Junior Div.)(FTC), Mahila Court, Hardoi, U.P. does not have jurisdiction under Section 27 of the Domestic Violence Act to entertain the complaint filed under the provisions of Domestic Violence Act.

8. Further, it has been submitted by learned counsel for the applicants that the above Domestic Violence Case has been filed by the opposite party against the applicants at District Hardoi, U.P. by abusing the provisions of Domestic Violence Act. Even though the opposite party has been working in HDFC Bank, Preet Vihar, New Delhi and has been residing at D/47, Gali No.5, Laxmi Nagar, East Delhi, Delhi-110092, she deliberately filed the case at District Hardoi, U.P. to harass and humiliate them and as an arm twisting measure to extort money. It has been further submitted that with regard to Complaint dated 04.03.2025, the Police contacted the complainant/opposite party, however, she kept on making excuses and did not appear before the Police. Eventually, vide Report dated 25.04.2025, the complaint dated 04.03.2025 was closed. It has been submitted that the criminal proceedings in Case no.1039 of 2025 have been launched by the opposite party against the applicants on 04.04.2025 as a counterblast to the cases filed by applicant nos.1 and 3 against her, i.e. (i) Prior to the filing of the above case, applicant no.3 on 10.03.2025 filed a Civil Suit being Civil Suit No.9 of 2025 before the Principal Judge, Family Court, Faridabad, Haryana for permanent and mandatory injunction against the opposite party and others. In Civil Suit No.9 of 2025, the opposite party appeared in person alongwith her counsel and filed Vakalatnama and

Written Statement on 09.04.2025. In her Written Statement, the opposite party has admitted that she is working in HDFC Bank at Preet Vihar, New Delhi and staying in a flat at Delhi; (ii) The applicant no.1 on 25.03.2025 filed a petition under Section 12(2) of the Hindu Marriage Act against the opposite party inasmuch as the marriage was performed by misrepresenting and committing fraud upon applicant no.1 as opposite party has been indulged in pre-marital relationship with one Abhishek Bisht which she continued even after her marriage and having one more affair with Abhishek Singh (Mob.9210183391); and (iii) The applicant no.3 on 29.03.2025 filed a Petition being COMA No.250 of 2025 under Section 12 of the Domestic Violence Act against the opposite party before the Judicial Magistrate First Class, Faridabad, Haryana.

9. It has been further submitted that opposite party has filed the above case on the basis of false and concocted story as an abuse of the process of law by misusing the provisions of Domestic Violence Act after filing of the above three cases by applicant no.1 and 3. before the Principal Judge, Family Court, Faridabad, Haryana seeking annulment of the marriage.

10. To buttress his argument, learned counsel for the applicants has placed reliance upon a judgment of the Supreme Court in the case of ***Geddam Jhansi and another vs. The State of Telangana and others, 2025 INSC 160***, and a judgment of the Delhi High Court in ***Sharad Kumar Pandey vs. Mamta Pandey, 2010:DHC:4306***, as well as a judgment of the Madhya Pradesh High Court in ***Criminal Revision No.3060 of 2021:Nirman Sagar vs. Smt. Monika Sagar Chaudhari and another***, decided on 1.4.2022.

11. On the other hand, learned counsel for the opposite party has submitted that opposite party was serving at Delhi at the time of marriage and she had written a letter for transfer from Delhi to Faridabad, but later, when disputes started between the husband and wife, she applied for transfer from Delhi to Lucknow and in pursuance of her request, she has been transferred to Lucknow and residing at Lucknow. She is having her permanent address at Hardoi and from Hardoi to Lucknow, she used to come, therefore, at this moment, she is residing at Lucknow as well as Hardoi. It has been submitted that so far as jurisdiction is concerned, once

the answering respondent is residing at Lucknow and Hardoi, the applicants have no case that on the basis of ground of jurisdiction, the proceedings initiated by the answering respondent should be quashed.

12. It has been further submitted by learned counsel for the opposite party that there was continuous demand of dowry from the side of husband and his family members and opposite party was tortured, that is why the answering respondent was compelled to file cases under Section 125 Cr.P.C. and Section 12 of the Domestic Violence Act. It has been submitted that if any proceedings have been instituted by mother-in-law, and father-in-law, that does not mean that the proceedings under Section 125 Cr.P.C. and Section 12 of the Domestic Violence Act should be dropped. The answering respondent is the married wife of applicant no.1 and the applicants did not take care of her, that is why she was forced to file the aforesaid cases.

13. To buttress his argument, learned counsel for the opposite party has placed reliance upon a judgment of this Court in ***Pawan Kumar vs. State of U.P. and another*, 2024:AHC:166066**. He has also placed reliance upon a judgment of the Madhya Pradesh High Court in ***Akanksha Arora vs. Tanay Maben (Misc. Criminal Case No.18481 of 2022)***, decided on 21.9.2023, and also upon a judgment of the Bombay High Court in ***Arundhati Devendra Pathak vs. Devendra Niteen Phatak (Misc. Civil Application No.518 of 2022)***, decided on 20.1.2023.

14. I have heard Sri Rakesh Kumar along with Sri Amarjeet Singh Girsra and Sri Yusuf, learned counsel for the applicants and Sri Arun Kumar Gupta, learned counsel for the opposite party. Perused the record.

15. The Supreme Court in the case of ***Geddiam Jhansi*** (supra) has observed that relatives can be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. In Para-36, the Supreme Court held as under:

"36. Our observations, however, should not be generalised to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. Each and every case of domestic violence will thus depend on the peculiar facts obtaining in each case."

16. The case of **Sharad Kumar Pandey** (supra) is pertaining to jurisdictional issue wherein it is provided that normally place for dwelling is made with an intention to live there for considerable time or to settle there. It is a place where a person has a home. In Paras 9 and 10, the Court held as under:

"9. All legislative enactments on matrimonial disputes or custody matters make ordinary residence or residence or the place where parties lived together or the place of cause of action as a ground for invocation of jurisdiction of the Court. Domestic Violence Act is the first Act where a temporary residence of the aggrieved person has also been made a ground for invoking the jurisdiction of court. The expression 'residence' means 'to make abode' - a place for dwelling. Normally place for dwelling is made with an intention to live there for considerable time or to settle there. It is a place where a person has a home. In Webster Dictionary, the residence means to dwell for length of time. The words 'dwelling place' or abode are synonyms. A temporary residence, therefore, must be a temporary dwelling place of the person who has for the time being decided to make the place as his home. Although he may not have decided to reside there permanently or for a considerable length of time but for the time being, this must be place of her residence and this cannot be considered a place where the person has gone on a casual visit, or a fleeing visit for change of climate or simply for the purpose of filing a case against another person."

10. I, therefore, consider that the temporary residence, as envisaged under the Act is such residence where an aggrieved person is compelled to take shelter or compelled to take job or do some business, in view of domestic violence perpetuated on her or she either been turned out of the matrimonial home or has to leave the matrimonial home. This temporary residence does not include residence in a lodge or hostel or an inn or residence at a place only for the purpose of filing a domestic violence case. This temporary residence must also be a continuing residence from the date of acquiring residence till the application under Section 12 is disposed of and it must not be a fleeing residence where a woman comes only for the purpose of contesting the case and otherwise does not reside there."

17. The Supreme Court in the case of **Geeta Mehrotra and another vs. State of U.P. and others**, (2012) 10 SCC 741, in Paras 25 and 26 held as under:

"25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegations of overt act indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasise by highlighting is that, if the FIR as it stands does not disclose specific allegation against the accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognizance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant wife. It is the well-settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing, especially in cases of matrimonial disputes whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of overimplication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding.

"26. In the case at hand, when the brother and unmarried sister of the principal accused Shyamji Mehrotra approached the High Court for quashing the proceedings against them, inter alia, on the ground of lack of territorial jurisdiction as also on the ground that no case was made out against them under Sections 498-A/323/504/506 IPC including Sections 3/4 of the Dowry Prohibition Act, it was the legal duty of the High Court to examine whether there were prima facie material against the appellants so that they could be directed to undergo the trial, besides the question of territorial jurisdiction. The High Court seems to have overlooked all the pleas that were raised and rejected the petition on the solitary ground of territorial jurisdiction giving liberty to the appellants to approach the trial court."

18. In the case of **Kahkashan Kausar v. State of Bihar**, (2022) 6 SCC 599, the Supreme Court in Para 16 to 18 held as under:

"16. Recently, in *K. Subba Rao v. State of Telangana* [*K. Subba Rao v. State of Telangana*, (2018) 14 SCC 452 : (2019) 1 SCC (Cri) 605], it was also observed that : (SCC p. 454, para 6)

6. The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.?

17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-AIPC 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. It is further manifest from the said 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. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.

18. Coming to the facts of this case, upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that 'all accused harassed her mentally and threatened her of terminating her pregnancy?'. Furthermore, no specific and distinct allegations have been made against either of the appellants herein i.e. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High Court, we have not examined the veracity of allegations made against him. However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution."

19. The complaint filed by the answering respondent under Section 12 of the Domestic Violence Act appears to be general in nature wherein she has stated that Rs.35 lacs was spent at the time of her marriage and thereafter an additional amount of Rs.20 lacs was demanded by the applicants and they used to harass opposite party no.2. The complaint under Section 12 of the Domestic Violence Act does not specify as to how in-laws had harassed opposite party no.2.

20. It is also to be noted that the marriage subsisted only for one month and thereafter the answering respondent was not residing with her husband and against the in-laws, allegations are vague and on unfounded grounds. It is also to be noted here that applicant no.3 had filed a suit bearing Civil Suit No.19 of 2025 before the Principal Judge, Family Court, Faridabad, Haryana for permanent and mandatory injunction against opposite party and others and answering respondent appeared in the said case and filed her written statement on 9.4.2025. Similarly, applicant no.3 also filed a case bearing COMA No.250 of 2025 on 29.3.2025 under Section 12 of the Domestic Violence Act against the answering respondent.

21. The present domestic violence case has been filed by the answering respondent after the case filed by applicant no.3. The applicant no.1 also filed a case under Section 12(2) of the Hindu Marriage Act before the Principal Judge, Family Court, Faridabad, Haryana on 25.3.2025. The record reveals that there appears to be dispute between the wife and husband and they are litigating against each other, but after a bare perusal of the complaint, other attending circumstances as mentioned above, the Court is coming to the conclusion that applicant nos.2, 3 and 4 of Application U/s 528 BNSS No.1774 of 2025, have no role in the present controversy, therefore, in view of law declared by the Supreme Court in ***Geeta Mehrotra*** (supra) **and** ***Kahkashan Kausar*** (supra), criminal proceedings are liable to be dropped against them under Section 12 of the Domestic Violence Act. However, proceedings against applicant no.1 will continue. So far as proceedings under Section 125 Cr.P.C. are concerned, the same is also filed against the husband and evidence is to be led over there, therefore, at this stage, the Court cannot interfere in the proceedings under Section 125 Cr.P.C., as summon has been issued against the husband, who has to contest his case before the court below.

22. In view of above, Application U/s 528 BNSS No.1774 of 2025 is ***partly allowed*** and the proceedings under Section 12 of the Domestic Violence Act against applicant nos.2, 3 and 4 are hereby quashed. However, proceedings will continue against applicant no.1.

23. Application U/s 528 BNSS No.2021 of 2025 is devoid of merit. It is accordingly ***dismissed***.

(Brij Raj Singh,J.)

April 21, 2026
Sachin