



Dr. Soumendra Prasad Bhattacharya & Anr. Vs. Swati Bhattacharya & Anr.

District – South 24 Pgs

**In The Court of the Additional District & Sessions Judge,
18th Court, Alipore, South 24 parganas**

Present: Smt. Monikuntala Roy
Addl. District & Sessions Judge,
Fast Track, 8th Court, Alipore (WB01088), (I/C)
ADJ, 18th Court, Alipore, South 24 Parganas.

In the matter of

CRIMINAL APPEAL NO. – 06 of 2024 (R-06/24)
Old No. Criminal Appeal 01 of 2024
CNR No. WBSP04-000139-2024

Appeal filed U/S 29 of Protection of Women from Domestic Violence Act
against the impugned order dated 30-11-2023 passed by the Learned Judicial
Magistrate, 1st Court, Alipore in AC-2228-2021

Dr. Soumendra Prasad Bhattacharya & Anr.

..... Appellant

versus

1. Swati Bhattacharya
2. The State of West Bengal

..... Respondents

Salini Ghosh - Ld Advocate for the Appellant
Swapn Mukherjee - Ld. Advocate for the Respondent No.1
Tirthankar Roy -Ld PP-in-Charge for Respondent No.2/ State

Order in Appeal

Date of Delivery: 19-03-2026

1. This criminal appeal has been filed on 02-01-2024 by the appellant, namely, Dr. Soumendra Prasad Bhattacharya and Smt Shilpi Bhattacharya against the respondent no.1/wife, namely, Swati Bhattacharya U/S. 29 of the Protection of Women from the Domestic Violence Act, 2005 on being aggrieved by and dissatisfied with the order dated 30-11-2023 passed by the Ld. 1st Judicial Magistrate, Alipore, South 24 Parganas in AC Case No. 2228-2021 U/S. 29 of the Protection of Women from Domestic Violence Act, 2005.

Grounds of Appeal: -

2. By filing the instant appeal, the appellant herein has challenged the impugned order on the following grounds:

- i) That the Ld. Trial Court passed the impugned order without applying its judicial mind;
- ii) That the Ld. Trial Court failed to consider that the respondent No.1 being the daughter-in-law of the appellants since after marriage used to reside in Mumbai along with her



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husband and used to occasionally visit them and they never stayed in a joint mess and never ever shared any household;

iii) That the Ld. Trial Court failed to consider the present mental condition of the appellants after loosing their son at an young age in Covid-19 and passed impugned order dated 30-11-2023 which is bad, illegal, inoperative and has been passed by material irregularity;

iv) That the Ld. Trial Court while rejecting their application u/sec 25 of PWDV Act challenging the maintainability of the complaint case being No. AC-2228/2021 did not consider that the appellant No.1 obtained an order of injunction from Ld. Civil Judge (Jr. Div), Baruipur in connection with Title Suit No.616 of 2021 against the respondent No.1 for her misdeeds.

3. Being aggrieved by and dissatisfied with the impugned order dated 30-11-2023, the appellant preferred this appeal on the ground that the impugned order could not have been passed and the same lacks prudence and feasibility and the same is not passed in accordance with the Protection of Women from Domestic Violence Act, 2005.

Lexscripta

4. It is trite law that an application U/S 25 of PWDV Act can be preferred by an aggrieved person or the respondent if there is a change in the circumstances requiring alteration, modification or revocation of any order made under this Act.

5. Section 25(2) of the Act contemplates and eventuality where an order passed under the Act can be altered, modified or revoked. Section 25(2) of the Act provides that the aggrieved person or the respondent, as defined under the Act, may approach the Magistrate by filing an application for alteration, modification or revocation of “any order” made under the Act. The Hon’ble Apex Court in a recent judgment (S.Vijikumari Vs Mowneshwarachari C in connection with SLP (CRL.) No.5342 of 2023 vide judgment dated 10-09-2024) held that the invocation of Section 25 (2) of the Act, there must be a change in the circumstances after the order being passed under the Act. Thus, an order for alteration, modification or revocation operates prospectively and not retrospectively. Statute also permits a Magistrate to grant exparte order U/S 23(2) of the PWDV Act if the aggrieved person present before the court the urgency and emergent situation of the same.

Points for determination

6. The following points are required of to be ruminated for apt disposal of the Criminal Appeal.

(i) Whether the order passed by Ld. JM, 1st Court, Alipore on 30-11-2023 in AC 2228/2021 was as per statute?

(ii) Whether there were sufficient grounds made out by the present appellants in the Ld. Trial Court to get an order U/S 25 of PWDV Act?

Argument of the appellants

7. The The Ld. Advocate for the appellants submitted before the Court that the appellants never stayed along with the aggrieved party at any shared household and as such the



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aggrieved party is not entitled to get any relief against them under the provisions of PWDV Act. According to the Ld. Advocate on behalf of the appellants the application filed by the aggrieved party u/sec 12 of PWDV Act is thus not maintainable and should be rejected in limini.

Argument by respondent no. 1

8. The Ld. Advocate on behalf of respondent no. 1 has submitted that the aggrieved party narrated in her application all the particulars where from it can be gathered that the aggrieved persons and the appellants used to stay in a joint mess at the shared household which is the matrimonial house of the aggrieved party and as such the impugned order of the Ld. Trial Court does not suffer from any illegality and perversity and as such the impugned orders should be uphold.

Argument by Respondent no. 2

9. Ld. P.P.-in-charge on behalf of State has left the matter to the discretion of the court.

Decision with reasons

10. Shorn off extraneous details, it is limpid from the Trial Court Record that the Ld. Trial Court passed the impugned order on the basis of an application filed by the appellants/O.P.s therein under Section 25 of P.W.D.V. Act challenging the maintainability of the case filed by the aggrieved party contending inter alia that the respondents being the father in law and mother in law of the aggrieved party never resided with the aggrieved party in joint mess in the shared house hold. It is also alleged by the appellants that the aggrieved party and her father after demise of their son being the husband of the aggrieved party destroyed their mental stability by filing false proceedings including a case under section 498A/406/34 of I.P.C. and also targeted to exploit them financially. According to the appellants the aggrieved party was a mere visitor in their house and she never resided with them in any shared household. The Ld. Advocate on behalf of the appellants specifically pleaded that the direction given by the Ld. Trial Court upon the present appellant no.1 to file his disclosure on affidavit of assets and liabilities is beyond the scope of law as the appellant no.1 is the father in law of the aggrieved part/ respondent no.1 herein. Thus, the appellants have prayed for setting aside the impugned Order passed in Complaint Case being A.C. No. 2228 of 2021 dated 30.11.2023 passed by the Ld. Judicial Magistrate, 1st Court, Alipore, District South 24 Parganas.

11. On the other hand the version of the aggrieved person as per her application under section 12 of the PWDV Act that the aggrieved person was the married wife of the son of the present appellants namely, Soumyajyoti Bhattacharya, since deceased. It is the contention of the aggrieved party/ respondent no.1 herein that after her marriage she went at her matrimonial house at 167, Ramnarayan Tarka Ratna Road, P.O. Harinavi(Beltala),



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P.S. Sonarpur, Kolkata-700148 along with her husband and parents in law. According to the aggrieved party after some days of her marriage she went at Mumbai with her husband which was the workplace of her husband and from their wedlock a female child namely, Urja Bhattacharya took birth on 23/04/2013. It has been further stated by the aggrieved party that at the time of second wave of COVID-19 she along with her husband and the minor child returned back to Kolkata on 8th November, 2020 and thereafter on and from 20/04/2021 all the members of her matrimonial house affected from COVID-19 and after seven to eight days the physical condition of the husband of the aggrieved party got deteriorated and ultimately he got expired on 18/05/2021. It is further contended by the aggrieved party that after demise of her husband the present appellants being her parents in law did not allow her to reside there and her stridhan articles are lying there. It is further contended by the aggrieved party that all the documents relating to the savings and bank accounts and other financial assets of her husband were lying with the appellants and the appellants are not handing over the same to her. It is further contended by the aggrieved party that the daughter of the petitioner is a student of class III at English Medium School and the expenses of her education is very high and she has no independent source of income of her own and as such she is financially distressed condition. According to the aggrieved party the appellant No.1 is a Doctor by profession and has huge earning and he also maintained two four wheelers, three chambers for his practice and used to maintain a high standard of life style. According to the petitioner her husband had joint account with the appellant No.1 in different branches of State Bank of India wherein huge amount of money is lying as deposited by her deceased husband but the appellants refused to disclose about the same to the aggrieved party. Being driven out by the appellants the aggrieved party compelled to reside at her paternal place along with her daughter. The aggrieved party also narrated the incident dated 19-07-2021 and also 28-08-2021 as to how the respondents restrained her from staying at her matrimonial house.

12. With the aforesaid averments, the aggrieved person approached the Court of the concerned Judicial Magistrate under Section 12 and sought protection orders, residence orders and compensation orders to be passed under various provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, the 'D.V. Act'). Further, prayers were also made for monetary reliefs under Section 22 of the D.V. Act.

13. Two points that have arisen from the rival arguments of both the parties are as follows:
(i) Whether it is mandatory for the aggrieved person to reside with those persons against whom the allegations have been leveled at the point of commission of violence?
(ii) Whether there should be a subsisting domestic relationship between the aggrieved person and the person against whom the relief is claimed?



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14. For an easy and immediate reference, the following provisions of the Protection of Women from D.V. Act are extracted as under:

“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;

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(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;

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(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 household 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.”

“3. **Definition of domestic violence.**—For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

Explanation I.—For the purposes of this section,—

(i) ‘physical abuse’ means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(ii) ‘sexual abuse’ includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

(iii) ‘verbal and emotional abuse’ includes-



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- (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and
- (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested;
- (iv) ‘economic abuse’ includes—
- (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, house hold necessities for the aggrieved person and her children, if any, Stridhana, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared house hold and maintenance;
- (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her Stridhana or any other property jointly or separately held by the aggrieved person; and
- (c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes ‘domestic violence’ under this section, the overall facts and circumstances of the case shall be taken into consideration.”

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“12. Application to Magistrate.—

(1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act:

Provided that before passing any order on such application, the Magistrate shall take into consideration any Domestic Incident Report received by him from the Protection Officer or the service provider.

(2) The relief sought for under Sub-Section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent:

Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.



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(3) Every application under Sub-Section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.

(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

(5) The Magistrate shall Endeavour to dispose of every application made under Sub-Section (1) within a period of sixty days from the date of its first hearing.”

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“17. Right to reside in a shared household.—

(1) Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same.

(2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.”

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“23. Power to grant interim and ex parte orders.—

(1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.

(2) If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.”

15. Before proceeding further, it would be useful to refer to the following relevant judgments of the Hon’ble Apex Court wherein the Hon’ble Supreme Court has interpreted various provisions of the D.V. Act :

a) In ***Juveria Abdul Majid Patni vs. Atif Iqbal Mansoori and Another – [(2014) 10 SCC 736]***, the Hon’ble Apex Court while interpreting the definition of aggrieved person under Section 2(a) of the D.V. Act held that apart from the woman who is in a domestic relationship, any woman who has been in a domestic relationship with the respondent, if alleged to have been subjected to any act of domestic violence by the respondent comes within the meaning of aggrieved person.

Further, Section 2(f) of the D.V. Act states that a person aggrieved (widow herein) who, at any point of time has lived together with the husband in a shared household is covered by the meaning of domestic relationship. Also, Section 2(s) of the D.V. Act states that if the person aggrieved at any stage has lived in a domestic relationship with the respondent in a house, can claim a right in a shared household.

After analysing the relevant provisions of the D.V. Act, the Hon’ble Apex Court while referring to ***V.D. Bhanot vs. Savita Bhanot – [(2012) 3 SCC 183]***, held that the



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conduct of the parties even prior to coming into force of the D.V. Act could be taken into consideration while passing an order under Sections 18, 19 and 20 thereof. The wife who had shared a household in the past but was no longer residing with her husband can file a petition under section 12 if subjected to domestic violence. It was further observed that where an act of domestic violence is once committed, then a subsequent decree of divorce will not absolve the liability of the respondent from the offence committed or to deny the benefit to which the aggrieved person is entitled to.

b) In the case of ***Krishna Bhattacharjee vs. Sarathi Choudhury and Another - [(2016) 2 SCC 705]***, the Hon'ble Apex Court held that a claim for recovery of Stridhana, two years after a decree of judicial separation is maintainable. The Court held that judicial separation does not change the status of a wife as an aggrieved person under Section 2(a) read with Section 12 of the D.V. Act and does not end the domestic relationship under Section 2(f) of the D.V. Act. It was further held that a judicial separation was a mere suspension of husband-wife relationship and not a complete severance of relationship as in the case of a divorce. Moreover, an application filed under section 12 of the D.V. Act by the wife is not barred by any limitation.

In the said case, the Hon'ble Apex Court referred to ***Saraswathy vs. Babu - [(2014) 3 SCC 712]***.

Further, Dipak Misra J. (as His Lordship then was) while speaking for the Two-Judge Bench held that the definition of domestic relationship under Section 2 (f) of the D.V. Act is very wide and protection under the said provision would be given to a wife even if she is judicially separated, by observing thus :

“18. The core issue that is requisite to be addressed is whether the Appellant has ceased to be an ‘aggrieved person’ because of the decree of judicial separation. Once the decree of divorce is passed, the status of the parties becomes different, but that is not so when there is a decree for judicial separation. A three-Judge Bench in ***Jeet Singh and Ors. v. State of U.P. and Ors. (1993) 1 SCC 325*** though in a different context, adverted to the concept of judicial separation and ruled that the judicial separation creates rights and obligations. A decree or an order for judicial separation permits the parties to live apart. There would be no obligation for either party to cohabit with the other. Mutual rights and obligations arising out of a marriage are suspended. The decree however, does not sever or dissolve the marriage. It affords an opportunity for reconciliation and adjustment. Though judicial separation after a certain period may become a ground for divorce, it is not necessary and the parties are not bound to have recourse to that remedy and the parties can live keeping their status as wife and husband till their lifetime.” While referring to the case of ***Rashmi Kumar vs. Mahesh Kumar Bhada - [(1997) 2 SCC 397]***, the Hon'ble Apex Court held that Stridhana property is the exclusive property of the wife on proof that she entrusted the property or dominion over the Stridhana property to her husband or any other



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member of the family. There is no need to establish further any special agreement to prove that the property was given to the husband or other member of the family.

While considering the issue of limitation and/or ‘continuing offence’/ ‘continuing cause of action’, the Hon’ble Apex Court held:

“32. Regard being had to the aforesaid statement of law, we have to see whether retention of Stridhana by the husband or any other family members is a continuing offence or not. There can be no dispute that wife can file a suit for realization of the Stridhana but it does not debar her to lodge a criminal complaint for criminal breach of trust..... The concept of ‘continuing offence’ gets attracted from the date of deprivation of Stridhana, for neither the husband nor any other family members can have any right over the Stridhana and they remain the custodians. For the purpose of the 2005 Act, she can submit an application to the Protection Officer for one or more of the reliefs under the 2005 Act.”

c) The exposition of this Court in ***Ajay Kumar vs. Lata alias Sharuti and Others – [(2019) 15 SCC 352]*** can also be alluded in this regard wherein the husband of the respondent therein had died, and maintenance was claimed from the brother of the deceased husband. The Court held that at a prima facie stage, a case for grant of maintenance was made out since the respondent and her deceased husband resided in the same house and the appellant therein (brother of deceased person) also resided in the same household.

d) Further in ***Satish Chander Ahuja vs. Sneha Ahuja – [(2021) 1 SCC 414]***, a Three-Judge Bench of the Hon’ble Apex Court, considered the expressions ‘lives or have at any point of time lived’ appearing in Section 2 (s) of the D.V. Act. The Honourable Supreme Court while considering the correctness of the law laid down in ***S.R. Batra vs. Taruna Batra – [(2007) 3 SCC 169]***, concluded that the said case had not correctly interpreted Section 2(s) of the D.V. Act and that the said judgment does not lay down a correct law and observed as under :

“66.The expression ‘at any stage has lived’ occurs in Section (s) after the words ‘where the person aggrieved lives’. The use of the expression ‘at any stage has lived’ immediately after words ‘person aggrieved lives’ has been used for object different to what has been apprehended by this Court in paragraph 26. The expression ‘at any stage has lived’ has been used to protect the women from denying the benefit of right to live in a shared household on the ground that on the date when application is filed, she was excluded from possession of the house or temporarily absent. The use of the expression ‘at any stage has lived’ is for the above purpose and not with the object that wherever the aggrieved person has lived with the relatives of husband, all such houses shall become shared household, which is not the legislative intent. The shared household is contemplated to be the household, which is a dwelling place of aggrieved person in present time.....



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67. The entire Scheme of the Act is to provide immediate relief to the aggrieved person with respect to the shared household where the aggrieved person lives or has lived. As observed above, the use of the expression ‘at any stage has lived’ was only with intent of not denying the protection to aggrieved person merely on the ground that aggrieved person is not living as on the date of the application or as on the date when Magistrate concerned passes an order under Section 19. The apprehension expressed by this Court in paragraph 26 in ***S.R. Batra v. Taruna Batra (supra)***, thus, was not true apprehension and it is correct that in event such interpretation is accepted, it will lead to chaos and that was never the legislative intent. We, thus, are of the considered opinion that shared household referred to in Section 2(s) is the shared household of aggrieved person where she was living at the time when application was filed or in the recent past had been excluded from the use or she is temporarily absent.

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, Act 2005 was enacted to give a higher right in favour of woman. The Act, 2005 has been enacted to provide for more effective protection of the rights of the woman 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 Act, 2005 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.

69. The definition of shared household as noticed in Section 2(s) does not indicate that a shared household shall be one which belongs to or taken on rent by the husband. We have noticed the definition of ‘Respondent’ under the Act. The Respondent in a proceeding under Domestic Violence Act can be any relative of the husband. In the event, the shared household belongs to any relative of the husband with whom in a domestic relationship the woman has lived, the conditions mentioned in Section 2(s) are satisfied and the said house will become a shared household.”

Analysis:

16. Section 12 of the D.V. Act states that an aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under the D.V. Act. The proviso, however, states that before passing any order on such an application, the Magistrate shall take into consideration any Domestic Incident Report received by him from the Protection Officer or the service provider. The expression ‘aggrieved person’ as defined under Section 2(a)



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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. Domestic relationship as defined in Section 2(f), 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. Domestic violence has the same meaning as assigned to it in Section 3.

17. The expression 'shared household' in relation to the definition of domestic relationship as per the definition in Section 2(s) 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 household 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. The definition of shared household is thus an inclusive one.

18. Section 17 speaks of right to reside in a shared household while Section 19 deals with residence orders which could be passed by a Magistrate while disposing of an application under Sub-Section (1) of Section 12, on being satisfied that domestic violence has taken place in a shared household. Thus, while Section 19 deals with residence orders, the right to reside in a shared household is dealt with in Section 17 of the D.V. Act. Sub-Section (1) of Section 17, which begins with a non-obstante clause states that notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same. Sub-Section (2) states that an aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.

19. While Section 19 deals with a multitude of directions or orders which may be passed against the respondent vis-à-vis the shared household in favour of an aggrieved person, Section 17 confers a right on every woman in a domestic relationship to reside in the shared household irrespective of whether she has any right, title or beneficial interest in the same. This right to reside in a shared household which is conferred on every woman in a domestic relationship is a vital and significant right. It is an affirmation of the right of every woman in a domestic relationship to reside in a shared household. Sub-Section (2) of Section 17 protects an aggrieved person from being evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure



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established by law. The distinction between Sub-Section (1) and Sub-Section (2) of Section 17 is also to be noted. While Sub-Section (2) deals with an aggrieved person which is defined in Section 2(a) of the D.V. Act in the context of domestic violence, Sub-Section (1) of Section 17 is a right conferred on every woman in a domestic relationship irrespective of whether she is an aggrieved person or not. In other words, every woman in a domestic relationship has a right to reside in the shared household even in the absence of any act of domestic violence by the respondent.

20. It is necessary to appreciate the importance and significance of the right of every woman in a domestic relationship to reside in a shared household. As already noted, the expression 'shared household' is expansively defined in Section 2(s) of the D.V. Act but the expression contained in Section 17 namely, 'every woman in a domestic relationship shall have the right to reside in the shared household irrespective whether she has any right, title or beneficial interest in same', requires an expansive interpretation. In this context, *Harbhajan Singh vs. Press Council of India - (AIR 2002 SC 1351)* could be relied upon wherein, Cross on "Statutory Interpretation" (Third Edition, 1995) has been relied upon as follows:-

"Thus, an 'ordinary meaning' or 'grammatical meaning' does not imply that the Judge attributes a meaning to the words of a statute independently of their context or of the purpose of the statute, but rather that he adopts a meaning which is appropriate in relation to the immediately obvious and unresearched context and purpose in and for which they are used."

21. While the object and purpose of the D.V. Act is to protect a woman from domestic violence, the salutary object of Sub-Section (1) of Section 17 is to confer a right on every woman in a domestic relationship to have the right to reside in a shared household. Hence, the said provision commences with a non-obstante clause.

22. For a better understanding of the said right, it would also be useful to relate it to the societal and familial context in India.

23. As already noted, a domestic relationship means a relationship between two persons who live or have at any point of time, lived together in a shared household. The relationship may be by (i) consanguinity, (ii) marriage or, (iii) through a relationship in the nature of a marriage, (iv) adoption or (v) are family members living together as a joint family. The expression 'domestic relationship' is a comprehensive one. Hence, every woman in a domestic relationship in whatever manner the said relationship may be founded as stated above has a right to reside in a shared household, whether or not she has any right, title or beneficial interest in the same. Thus, a daughter, sister, wife, mother, grand-mother or great grand-mother, daughter-in-law, mother- in-law or any woman



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having a relationship in the nature of marriage, an adopted daughter or any member of joint family has the right to reside in a shared household.

24. Further, though, the expression 'shared household' is defined in the context of a household where the person aggrieved lives or has lived in a domestic relationship either singly or along with respondent, in the context of Sub-Section (1) of Section 17, the said expression cannot be restricted only to a household where a person aggrieved resides or at any stage, resided in a domestic relationship. In other words, a woman in a domestic relationship who is not aggrieved, in the sense that who has not been subjected to an act of domestic violence by the respondent, has a right to reside in a shared household. Thus, a mother, daughter, sister, wife, mother-in-law and daughter-in-law or such other categories of women in a domestic relationship have the right to reside in a shared household de hors a right, title or beneficial interest in the same.

25. Therefore, the right of residence of the aforesaid categories of women and such other categories of women in a domestic relationship is guaranteed under Sub-Section (1) of Section 17 and she cannot be evicted, excluded or thrown out from such a household even in the absence of there being any form of domestic violence. By contrast, Sub-Section (2) of section 17 deals with a narrower right in as much as an aggrieved person who is inevitably a woman and who is subjected to domestic violence shall not be evicted or excluded from the shared household or any part of it by the respondent except in accordance with the procedure established by law. Thus, the expression 'right to reside in a shared household' has to be given an expansive interpretation, in respect of the aforesaid categories of women including a mother-in-law of a daughter-in-law and other categories of women referred to above who have the right to reside in a shared household.

26. Further, the expression 'the right to reside in a shared household' cannot be restricted to actual residence. In other words, even in the absence of actual residence in the shared household, a woman in a domestic relationship can enforce her right to reside therein. The aforesaid interpretation can be explained by way of an illustration. If a woman gets married then she acquires the right to reside in the household of her husband which then becomes a shared household within the meaning of the D.V. Act. In India, it is a societal norm for a woman, on her marriage to reside with her husband, unless due to professional, occupational or job commitments, or for other genuine reasons, the husband and wife decide to reside at different locations. Even in a case where the woman in a domestic relationship is residing elsewhere on account of a reasonable cause, she has the right to reside in a shared household. Also a woman who is, or has been, in a domestic relationship has the right to reside not only in the house of her husband, if it is located in another place which is also a shared household but also in the shared household which may be in a different location in which the family of her husband resides.



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27. If a woman in a domestic relationship seeks to enforce her right to reside in a shared household, irrespective of whether she has resided therein at all or not, then the said right can be enforced under Sub-Section (1) of Section 17 of the D.V. Act. If her right to reside in a shared household is resisted or restrained by the respondent(s) then she becomes an aggrieved person and she cannot be evicted, if she has already been living in the shared household or excluded from the same or any part of it if she is not actually residing therein. In other words, the expression 'right to reside in the shared household' is not restricted to only actual residence, as, irrespective of actual residence, a woman in a domestic relationship can enforce her right to reside in the shared household. Thus, a woman cannot be excluded from the shared household even if she has not actually resided therein that is why the expression 'shall not be evicted or excluded from the shared household' has been intentionally used in Sub-Section (2) of Section 17. This means if a woman in a domestic relationship is an aggrieved person and she is actually residing in the shared household, she cannot be evicted except in accordance with the procedure established by law. Similarly, a woman in a domestic relationship who is an aggrieved person cannot be excluded from her right to reside in the shared household except in accordance with the procedure established by law. Therefore, the expression 'right to reside in the shared household' would include not only actual residence but also constructive residence in the shared household i.e., right to reside therein which cannot be excluded vis-à-vis an aggrieved person except in accordance with the procedure established by law. If a woman is sought to be evicted or excluded from the shared household she would be an aggrieved person in which event Sub-Section (2) of Section 17 would apply.

28. In support of this interpretation, another example may be noted. A woman on getting married, along with her husband may proceed overseas on account of professional or job commitments. Such a woman may not have had an opportunity of residing in the shared household after her marriage. If, for any reason, such a woman becomes an aggrieved person and is forced to return from overseas then she has the right to reside in the shared household of her husband irrespective of whether her husband (respondent) or the aggrieved person (wife) has any right, title or beneficial interest in the shared household. In such circumstances, parents-in-law of the woman who has returned from overseas and who is an aggrieved person cannot exclude her from the shared household or any part of it except in accordance with the procedure established by law. Another situation is a case where, immediately after marriage, the wife actually resided in the shared household while her husband proceeded overseas. When such a woman is subjected to domestic violence, she cannot be evicted from the shared household except in accordance with the procedure established by law.



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29. There may also be cases where soon after marriage, the husband goes to another city owing to a job commitment and his wife remains in her parental home and nevertheless is a victim of domestic violence. She has the right to remain in her parental home as she would be in a domestic relationship by consanguinity. Also in cases where a woman remains in her parental home soon after marriage and is subjected to domestic violence and is therefore an aggrieved person, she also has the right to reside in the shared household of her husband which could be the household of her in-laws. Further, if her husband resides in another location then an aggrieved person has the right to reside with her husband in the location in which he resides which would then become the shared household or reside with his parents, as the case may be, in a different location. There could be a multitude and a variety of situations and circumstances in which a woman in a domestic relationship can enforce her right to reside in a shared household irrespective of whether she has the right, title or beneficial interest in the same. Also, such a right could be enforced by every woman in a domestic relationship irrespective of whether she is an aggrieved person or not.

30. In the Indian societal context, the right of a woman to reside in the shared household is of unique importance. The reasons for the same are not far to see. In India, most women are not educated nor are they earning; neither do they have financial independence so as to live singly. She may be dependent for residence in a domestic relationship not only for emotional support but for the aforesaid reasons. The said relationship may be by consanguinity, marriage or through a relationship in the nature of marriage, adoption or is a part of or is living together in a joint family. A majority of women in India do not have independent income or financial capacity and are totally dependent vis-à-vis their residence on their male or other female relations who may have a domestic relationship with her.

31. The aforesaid view of this Court is further fortified from the observation of the Hon'ble Apex Court in ***Prabha Tyagi vs Kamlesh Devi*** decided on 12 May, 2022 in connection with Criminal Appeal No. 511 of 2022.

32. It has been observed therein that the D.V. Act is a piece of Civil Code which is applicable to every woman in India irrespective of her religious affiliation and/or social background for a more effective protection of her rights guaranteed under the Constitution and in order to protect women victims of domestic violence occurring in a domestic relationship. Therefore, the expression 'joint family' cannot mean as understood in Hindu Law. Thus, the expression 'family members living together as a joint family', means the members living jointly as a family. In such an interpretation, even a girl child/children who is/are cared for as foster children also have a right to live in a shared household and are conferred with the right under Sub-Section (1) of Section 17 of the D.V. Act. When



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such a girl child or woman becomes an aggrieved person, the protection of Sub-Section (2) of Section 17 comes into play.

33. In the case of Smt. ***Bharati Naik vs. Shri Ravi Ramnath Halarnkar and Another – [2010 SCC Online Bom 243]***, the High Court of Bombay at Goa held that the words ‘has been’ and ‘have lived’ appearing in the definition of ‘aggrieved person’ and ‘respondent’ in the D.V. Act are plain and clear. The Court held that the aforesaid words take in their sweep even a past relationship. The words have been purposefully used to show the past relationship or experience between the concerned parties. It was further observed that the said D.V. Act has been enacted to protect a woman from domestic violence and there cannot be any fetter which can come in the way by interpreting the provisions in a manner to mean that unless the domestic relationship continues on the date of the application, the provisions of the D.V. Act cannot be invoked.

34. In a judgment of the High Court of Madras in ***Vandhana vs. T. Srikanth and Krishnamachari – [2007 SCC Online Mad 553]***, authored by Ramasubramanian, J., it was held that Sections 2(f), 2(s) and 17 of the D.V. Act ought to be given the widest interpretation possible. The Court, after observing various instances and situations, held that many a woman may not even enter into the matrimonial home immediately after marriage. Therefore, it was concluded that a healthy and correct interpretation to Sections 2(f) and 2(s) of the D.V. Act would be that the words ‘live’ or ‘have at any point of time lived’ would include in its purview ‘the right to live’ as interpreted above. It would be useful to quote from the said judgment as under:-

“20. In a society like ours, there are very many situations, in which a woman may not enter into her matrimonial home immediately after marriage. A couple leaving for honeymoon immediately after the marriage and whose relationship gets strained even during honeymoon, resulting in the wife returning to her parental home straight away, may not stand the test of the definition of domestic relationship under Section 2(f) of the Act, if it is strictly construed. A woman in such a case, may not live or at any point of time lived either singly or together with the husband in the ‘shared household’, despite a legally valid marriage followed even by its consummation. It is not uncommon in our society, for a woman in marriage to be sent to her parental home even before consummation of marriage, on account of certain traditional beliefs, say for example, the intervention of the month of Aadi. If such a woman is held to be not entitled to the benefit of Section 17 of the Act, on account of a strict interpretation to Section 2(f) of the Act that she did not either live or at any point of time lived together in the shared household, such a woman will be left remediless despite a valid marriage. One can think of innumerable instances of the same aforesaid nature, where the woman might not live at the time of institution of the proceedings or might not have lived together with the husband even for a single day in the shared household. A narrow interpretation to Sections 2(f), 2(s) and 17 of the Act, would



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leave many a woman in distress, without a remedy. Therefore, in my considered view a healthy and correct interpretation to Sections 2(f) and 2(s) would be that the words 'live' or 'have at any point of time lived' would include within their purview 'the right to live'. In other words, it is not necessary for a woman to establish her physical act of living in the shared household, either at the time of institution of the proceedings or as a thing of the past. If there is a relationship which has legal sanction, a woman in that relationship gets a right to live in the shared household. Therefore, she would be entitled to protection under Section 17 of the Act, even if she did not live in the shared household at the time of institution of the proceedings or had never lived in the shared household at any point of time in the past. Her right to protection under Section 17 of the Act, co-exists with her right to live in the shared household and it does not depend upon whether she had marked her physical presence in the shared household or not. A marriage which is valid and subsisting on the relevant date, automatically confers a right upon the wife to live in the shared household as an equal partner in the joint venture of running a family. If she has a right to live in the shared household, on account of a valid and subsisting marriage, she is definitely in 'domestic relationship' within the meaning of Section 2(f) of the Act and her bodily presence or absence from the shared household cannot belittle her relationship as anything other than a domestic relationship. Therefore, irrespective of the fact whether the applicant/plaintiff in this case ever lived in the house of the first respondent/first defendant after 7.2.2007 or not, her marriage to the first respondent/first defendant on 7.2.2007 has conferred a right upon her to live in the shared household. Therefore, the question as to whether the applicant/plaintiff ever lived in the shared household at any point of time during the period from 7.2.2007 to 13.6.2007 or not, is of little significance."

35. Bearing in mind the aforesaid discussion, question no. 1, namely, 'whether it is mandatory for the aggrieved person to reside with those persons against whom the allegations have been levelled' is accordingly answered. It is held that it is not mandatory for the aggrieved person to have actually lived or resided with those persons against whom the allegations have been levelled at the time of seeking relief. If a woman has the right to reside in a shared household, she can accordingly enforce her right under Section 17(1) of the D.V. Act. If a woman becomes an aggrieved person or victim of domestic violence, she can seek relief under the provisions of the D.V. Act including her right to live or reside in the shared household under Section 17 read with Section 19 of the D.V. Act.

36. Hence, the respondent no.1/ aggrieved party herein if could establish that she is a victim of domestic violence could enforce her right to live or reside in the shared household under the provisions of the D.V. Act and to seek any other appropriate relief provided under the D.V. Act. This is irrespective of whether she actually lived in the shared household.



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37. This takes me to the next question raised for consideration being ‘whether there should be a subsisting domestic relationship between the aggrieved person and the person against whom the relief is claimed’. As already noted, the expression ‘domestic relationship’ is an expansive one and means the relationship between two persons who live or have at any point of time lived together in a shared household when they are related by (i) consanguinity; (ii) marriage; (iii) through a relationship in the nature of marriage; (iv) adoption; (v) are family members living together as a joint family. The expressions ‘consanguinity’, ‘marriage’ and ‘adoption’ do not require elaboration as they are well understood concepts both in common law as well as in the respective personal law applicable to the parties. However, it is relevant to note the expression ‘marriage’ also encompasses a relationship in the nature of marriage. Secondly, the expression ‘adoption’ also takes into consideration family members living together as a joint family. The aforesaid aspects require elaboration.

38. It would be useful to refer to the following judgments of this Court which have been taken into consideration relationship in the nature of marriage :

(a) In ***D. Velu Samy v. D. Patchaiammal - [(2010) 10 SCC 469]***, the Hon’ble apex Court discussed the concept of “relationship in the nature of marriage” in the context of the DV Act, and it was held to be akin to a common law marriage. It was held that the parties must have lived together in a ‘shared household’ as defined in Section 2(s) of the DV Act. It was opined that not all live-in relationships would amount to a relationship in the nature of marriage to get the benefit of D.V. Act, but only to such relationships, which qualify as common law marriages. The requirements prescribed under law in order for a relationship to be recognized as a common law marriage were adumbrated as follows:

- (i) The couple must hold themselves out to society as being akin to spouses;
- (ii) They must be of legal age to marry;
- (iii) They must be otherwise qualified to enter into a legal marriage;
- (iv) They must have voluntarily cohabited and held themselves out to the world as being akin to spouses for a significant period of time.

(b) In ***Indra Sarma v. V.K.V. Sarma - [(2013) 15 SCC 755]***, the question as to whether disruption of a live-in relationship by failure to maintain a woman involved in such a relationship amounted to “domestic violence” within the meaning of Section 3 of the D.V. Act, was considered. It was held that entering into a marriage either under the Hindu Marriage Act or Special Marriage Act or any other personal law applicable to the parties, is entering into a relationship of public significance, since marriage, being a social institution, many rights and liabilities flow out of that relationship. Thus, the concept of marriage gives rise to civil rights. This Court referred to the following guidelines, which would determine whether a relationship between persons was in the nature of marriage, to ultimately hold that the DV Act had been enacted to cover a couple who had a relationship



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in the nature of marriage, so as to provide a remedy in Civil Law for protection of women in relationships, which are in the nature of marriage as per paragraph 56 which is extracted as under :

“56. We may, on the basis of above discussion cull out some guidelines for testing under what circumstances, a live-in relationship will fall within the expression “relationship in the nature of marriage” under Section 2(f) of the D.V. Act. The guidelines, of course, are not exhaustive, but will definitely give some insight to such relationship :

56.1. Duration of period of relationship. – Section 2(f) of the D.V. Act has used the expression “at any point of time”, which means a reasonable period of time to maintain and continue a relationship which may vary from case to case, depending upon the fact situation.

56.2. Shared household.- The expression has been defined under Section 2(s) of the D.V. Act and, hence, needs no further elaboration. 56.3. Pooling of resources and financial arrangements.- Supporting each other, or any one of them, financially, sharing bank accounts, acquiring immovable properties in joint names or in the name of the woman, long-term investments in business, shares in separate and joint names, so as to have a long-standing relationship, may be a guiding factor.

56.4. Domestic arrangements.- Entrusting the responsibility, especially on the woman to run the home, do the household activities like cleaning, cooking, maintaining or upkeeping the house, etc., is an indication of a relationship in the nature of marriage.

56.5. Sexual relationship.- Marriage-like relationship refers to sexual relationship, not just for pleasure, but for emotional and intimate relationship, for procreation of children, so as to give emotional support, companionship and also material affection, caring, etc.

56.6. Children.- Having children is a strong indication of a relationship in the nature of marriage. The parties, therefore, intend to have a long-standing relationship. Sharing the responsibility for bringing up and supporting them is also a strong indication.

56.7. Socialisation in public.- Holding out to the public and socialising with friends, relations and others, as if they are husband and wife is a strong circumstance to hold the relationship is in the nature of marriage.

56.8. Intention and conduct of the parties.- Common intention of the parties as to what their relationship is to be and to involve, and as to their respective roles and responsibilities, primarily determines the nature of that relationship.”

39. Further, the expression ‘family members living together as a joint family’ is not relatable only to relationship through consanguinity, marriage or adoption. As observed above, the expression ‘joint family’ does not mean a joint family as understood in Hindu Law. It would mean persons living together jointly as a family. It would include not only family members living together when they are related by consanguinity, marriage or adoption but also those persons who are living together or jointly as a joint family such as



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foster children who live with other members who are related by consanguinity, marriage or by adoption. Therefore, when any woman is in a domestic relationship as discussed above, is subjected to any act of domestic violence and becomes an aggrieved person, she is entitled to avail the remedies under the D.V. Act.

40. The further question is, whether, such a domestic relationship should be subsisting between the aggrieved person and the respondent against whom relief is claimed at the time of claiming the relief. Before answering the same, it would be useful to analyse the relationships noted in the D.V. Act as under:

(a) Any relationship by consanguinity is a lifelong relationship.

(b) Marriage is also a lifelong relationship unless a separation by a decree of divorce is ordered by a competent authority of law.

(i) If there is judicial separation ordered by a court of law, that does not put an end to marriage and hence the domestic relationship continues between the spouses even though they may not be actually living together.

(ii) In the event of a divorce, marriage would be no longer be subsisting, but if a woman (wife) is subjected to any domestic violence either during marriage or even subsequent to a divorce decree being passed but relating to the period of domestic relationship, the provisions of this D.V. Act would come to the rescue of such a divorced woman also.

(iii) That is why, the expression 'domestic relationship' has been defined in an expansive manner to mean 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 marriage. We have also interpreted the word 'live' or 'lived' in the context of right to reside in Sub-Section (1) of Section 17. The right to live in the shared household, even when the domestic relationship may have been severed for instance when a woman has been widowed owing to the death of her husband, entitles her to have remedies under the D.V. Act.

(iv) Therefore, even when the marital ties cease and there is no subsisting domestic relationship between the aggrieved woman and the respondent against whom relief is claimed but the acts of domestic violence are related to the period of domestic relationship, even in such circumstances, the aggrieved woman who was subjected to domestic violence has remedies under the D.V. Act.

(c) Even in the case of relationship in the nature of marriage, during which period the woman suffered domestic violence and is thus an aggrieved person can seek remedies subsequent to the cessation of the relationship, the only pre-condition is that the allegation of domestic violence must relate to the period of the subsistence of relationship in the nature of marriage.

(d) In the same way, when a girl child is fostered by family members living together as a joint family as interpreted above and lives or at any point of time has lived



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together in a shared household or has the right to reside in the shared household being a member living together as a joint family and has been ousted in any way or has been a victim of domestic violence has remedies under the D.V. Act.

41. In my view, the question raised about a subsisting domestic relationship between the aggrieved person and the person against whom the relief is claimed must be interpreted in a broad and expansive way, so as to encompass not only a subsisting domestic relationship in presentia but also a past domestic relationship. Therefore, the Parliament has intentionally used the expression 'domestic relationship' to mean a relationship between two persons who not only live together in the shared household but also between two persons who 'have at any point of time lived together' in a shared household.

42. Applying the aforesaid discussion to the facts of the case at hand, the appellant was married to the appellant's son Soumyojyoti Bhattacharya on 04.12.2011 and thereafter, on 18.05.2021, he died in the second wave of COVID-19. According to the aggrieved party/respondent no.1, the appellants and other family members started harassing the respondent no.1 and forced her to leave the matrimonial home. The Stridhan articles were allegedly also not handed over to the aggrieved party. Even though as on the date of filing of the application before the Magistrate under Section 12 of the D.V. Act the respondent no.1/aggrieved party was not actually living in the shared household; she nevertheless lived in a domestic relationship with her husband and further had the right to reside in a shared household as a daughter-in-law. Allegedly, the respondent no.1/aggrieved person had to leave the shared household on account of harassment and mental torture given to her by the appellants and other family members. She had to leave the same and fend for herself. Thus, as an aggrieved person, the appellant prima facie has a right to reside in the shared household despite the death of her husband. The aggrieved person prima facie continued to have a subsisting domestic relationship owing to her marriage and she being the daughter-in-law had the right to reside in the shared household and as such the application filed by the aggrieved party is well maintainable in the eye of law.

43. Moreover, the direction upon the Appellant No.1 to file disclosure as regard to his Assets and Liabilities is well within the periphery of the judgment of the Hon'ble Apex Court in ***Rajnish v. Neha***. The object to file disclosure in respect of Assets and Liabilities as pellucid in the aforesaid judgment does not interdict in laying down direction by the Ld. Trial Court in respect of this case only because the monetary relief is claimed by the aggrieved party from the father in law since the husband is deceased.

44. On perusal of the documents and chronicle so referred to above, I do not find any irregularity or illegality in the impugned order passed by the Ld. Trial Court. Ld. Trial Court is justified enough to reject the application of the appellants under Section 25 of



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P.W.D.V. Act filed by the Appellants and to hold the case being AC No. 2228 of 2021 is maintainable in the eye of law.

Rescript:

45. Therefore, abiding by the canons of prudence and circumspection and on reaching the port of call, this court finds that the impugned order dt. 30-11-2023 passed by Ld. Judicial Magistrate, 1st Court, Alipore warrants no interference.

Edict:

46. In the result, the instant Criminal Appeal is dismissed. Memo of appeal is found sufficiently stamped.

Hence, it is,

ORDERED

47. That instant Criminal Appeal be and the same is dismissed on contest without any order as to costs.

48. The impugned order dt. 30-11-2023 passed by the Ld. Judicial Magistrate, 1st Court, Alipore in A.C. Case No. 2228/2021 stands affirmed.

49. Let the Trial Court Record be consigned back to the Ld. Judicial Magistrate, 1st Court, Alipore, with a request to proceed with the case as directed.

50. Let a copy of this judgment be sent to the Ld. Judicial Magistrate, 1st Court, Alipore, for information and necessary action.

51. Make necessary noting in the Germane Register.

52. Let a soft copy of this judgment be uploaded in the CIS as per the modalities of the Criminal Rules and Orders of the Hon'ble High Court, Calcutta.

53. The judgment is pronounced and delivered in open Court on 19th March, 2026.

54. The interim order, if any, stands vacated.

Dictated & corrected

Monikuntala Roy
Additional Sessions Judge
Fast Track 8th Court, Alipore
South 24 Parganas
I/C ADJ, 18th Court, Alipore,
South 24 Parganas

Sd/
Monikuntala Roy
Additional Sessions Judge
Fast Track 8th Court, Alipore
South 24 Parganas
I/C ADJ, 18th Court, Alipore,
South 24 Parganas

Memo No:

Date:

Let the TCR along with copy of judgment be forwarded to the Ld. JM, 1st Court, Alipore, for information and necessary action.

Monikuntala Roy
Additional Sessions Judge
Fast Track 8th Court, Alipore
South 24 Parganas