



2025:HHC:40045

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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 958 of 2025

Reserved on: 11.11.2025

Date of Decision: 26.11.2025

Ashok Kumar Ranga & Anr.

...Petitioners

Versus

State of H.P. & Anr.

...Respondents

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting? No

For the Petitioners : Mr. Ganesh Barowalia,
Advocate.

For the respondents No. : Mr. Jitender Kumar Sharma,
1 /State Additional Advocate General.

Rakesh Kainthla, Judge

The petitioners have filed the present petition for quashing of proceedings in DV Act 10/2022 pending before the learned Chief Judicial Magistrate Kinnaur at Reckong Peo under Sections 18, 20 and 22 of the Protection of Women from Domestic Violence Act (DV Act). (*Parties shall hereinafter be*



referred to in the same manner as they are arrayed before the learned Trial Court for convenience.)

2. Briefly stated, the facts giving rise to the present petition are that respondent No.2/aggrieved person made an application under Sections 18, 20 and 22 of the DV Act for various reliefs. It was asserted that the marriage between the aggrieved person and Ashok Kumar was solemnised on 22.10.2015 as per Hindu Rites and Customs at Reckong Peo. Respondent No.2 prepared the list of articles during the marriage, but this list was snatched, and the aggrieved person was asked to tell her relatives to prepare the details. The aggrieved person resided with the respondents in a shared household in Chandigarh. She was asked to hand over her jewellery to respondent No.1 by saying that a lot of jewellery can result in murder and should be kept in the locker. When the aggrieved person handed over the jewellery, she was taunted that she was taking the photographs and preparing the list as if the respondents were thieves. The respondents continuously harassed the aggrieved person by repeatedly taunting her. The aggrieved person furnished the details of the various incidents in her application running into 47 paragraphs. The aggrieved



person was turned out of her matrimonial home. She filed a divorce petition. Respondent No. 1 also filed a petition for restitution of the conjugal rights. Respondent No.1 also threatened the petitioner by saying that he had sent her photographs, and in case of further complaints, he would send the other photographs as well. She was subjected to domestic violence. Hence, the petition was filed to seek various reliefs.

3. Being aggrieved by the petition filed by the aggrieved persons, the original respondents have approached this Court by filing the present petition for quashing the petition and the consequential proceedings arising out of it. It has been asserted that several proceedings are pending between the parties. The respondents bought land/orchard in the name of the aggrieved person and paid ₹38.00 lakhs out of the savings and retirement benefits. The proceedings have been initiated to coerce the respondents to give the land to the aggrieved persons. Various developmental activities were carried out in the orchard. It is valued at ₹1,28,90,357/-. The respondents have lodged an FIR under Sections 420, 467, 468, 471 and 120-B of IPC. Criminal Writ Petitions and Criminal Miscellaneous Applications are pending before the High Court of Punjab & Haryana regarding



the FIR. The aggrieved person filed a complaint before the learned Chief Judicial Magistrate, Kinnaur, who directed the registration of the FIR. The respondents filed a petition for quashing of the FIR, which was allowed. Respondents No.2 and 3, being the parents-in-law, have no role to play and were maliciously dragged into the litigation. The complaint filed by the aggrieved person is a counterblast to the complaint made against her. The aggrieved person had failed to demonstrate continuation of a domestic relationship or any threats or violence. The dispute between the parties is related to the land. The aggrieved person never cohabited with the respondents No.2 and 3 after her marriage. There is an absence of shared households. The petition was filed belatedly. Therefore, it was prayed that the present petition be allowed and the complaint be quashed.

4. I have heard Mr Ganesh Barowalia, learned counsel for the petitioners and Mr Jitender Sharma, learned Additional Advocate General for respondent No.1/State.

5. Mr Ganesh Barowalia, learned counsel for the petitioners, submitted that the proceedings under Section 156(3) of the CrPC and the DV Act are distinct. The aggrieved



person never cohabited with respondents No.2 and 3, and the proceedings against them are not maintainable. The earlier FIR was quashed. The present proceedings are malicious. Therefore, it was prayed that the present petition be allowed and the proceedings pending before the learned Trial Court be quashed.

6. Mr Ganesh Barowalia, learned counsel for the petitioners, has also filed a synopsis which has been considered by him.

7. Mr Jitender K. Sharma, learned Additional Advocate General, for the respondent-State, submitted that an FIR was registered against the present petitioners, and a petition to quash the same was filed before this Court, which was dismissed by this Court. This order was upheld by the Hon'ble Supreme Court. The allegations are similar. When the FIR was not quashed, it is impermissible to quash the proceedings under the DV Act. Hence, he prayed that the present petition be dismissed.

8. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

9. It was laid down by the Hon'ble Supreme Court in *Shaurabh Kumar Tripathi v. Vidhi Rawal*, 2025 SCC OnLine SC



1158, that the High Court should have a hands-off approach under the DV Act and should interfere only when there is gross illegality or abuse of the process of the Court. It was observed:

“35. When it comes to the exercise of power under Section 482 of the CrPC in relation to an application under Section 12(1), the High Court has to keep in mind the fact that the DV Act, 2005, is a welfare legislation specially enacted to give justice to those women who suffer from domestic violence and to prevent acts of domestic violence. Therefore, while exercising jurisdiction under Section 482 of the CrPC for quashing proceedings under Section 12(1), the High Court should be very slow and circumspect. Interference can be made only when the case is clearly of gross illegality or gross abuse of the process of law. Generally, the High Court must adopt a hands-off approach while dealing with proceedings under Section 482 for quashing an application under Section 12(1). Unless the High Courts show restraint in the exercise of jurisdiction under Section 482 of the CrPC while dealing with a prayer for quashing the proceedings under the DV Act, 2005, the very object of enacting the DV Act, 2005, will be defeated.”

10. The aggrieved person filed a complaint No. 10 of 2022, titled Anvesha Negi Vs. Akshay Kumar and others, before learned Chief Judicial Magistrate, Kinnaur at Rekong-Peo, against her husband and the present petitioners/original respondents. The present petitioners filed a petition for quashing the complaint, which was registered as CrMMO No.1135 of 2024, titled Ashok Kumar Ranga and another Vs.



State of H.P. and another 2025:HHC:22850, taking almost the same pleas as have been taken in the present petition. This Court dismissed the petition. This order was challenged before the Hon'ble Supreme Court, and the Hon'ble Supreme Court was pleased to dismiss the SLP (Crl.) No. 16578 of 2025, titled Ashok Kumar Ranga and another Vs. State of H.P. and another, decided on 27.10.2025. Once the allegations were found to be sufficient to continue the criminal proceedings, it is difficult to see how the same allegations are not sufficient to pursue the application for domestic violence. Therefore, the petition is liable to be dismissed on this ground alone.

11. It was submitted that the aggrieved person never resided with respondents No.2 and 3, and the allegations made in the complaint are incorrect. This submission will not help the petitioners. It was specifically asserted in various paragraphs of the petition under the DV Act that the petitioner resided with respondents No.2 and 3 after her marriage at Chandigarh. It was asserted in paragraph 9 that the petitioner was called to the residential house in Sector-22D and asked to hand over her jewellery. It is asserted in paragraph 10 that whenever the petitioner used to get calls from her mother or relatives, her



mother-in-law used to taunt her by saying that what the petitioner's mother was teaching her. In paragraph 11, it has been asserted that Akshay used to drop the petitioner off at a residential house in Section 22-D to do household chores. It is stated in paragraph 13 that Akshay shifted with his parents to Sector 22-D, along with the petitioner, where respondent Urmila taunted her by saying that she was sitting idle at home and she should do some work. These allegations are to be accepted as correct in these proceedings. This position was laid down by the Hon'ble Supreme Court in *Punit Beriwal v. State (NCT of Delhi)*, 2025 SCC OnLine SC 983, wherein it was observed:

“29. It is settled law that the power of quashing a complaint/FIR should be exercised sparingly with circumspection, and while exercising this power, the Court must believe the averments and allegations in the complaint to be true and correct. It has been repeatedly held that, save in exceptional cases where non-interference would result in a miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences. Extraordinary and inherent powers of the Court should not be used routinely according to its whims or caprice.”

12. Hence, the submission that the petitioner never shared any household with respondents No.2 and 3 cannot be accepted.



13. It was submitted that there is a delay in filing the petition under the DV Act, and the petition is liable to be quashed on this ground. This submission will not help the present petitioners/original respondents. It was laid down by the Punjab and Haryana High Court in *Geeta Kapoor v. State of Haryana*, 2013 SCC OnLine P&H 21779: ILR (2014) 2 P&H 293 that a petition under the DV Act can be filed at any time during the subsistence of marriage and no period of limitation applies to it. It was observed at page 297:

“(6) The case law, *Inderjit Singh Grewal's case* (supra), is not applicable to the case in hand. In the cited case, there was a decree of divorce between the parties. The relationship came to an end between the parties in the cited case law. The correct view is that in the case of a decree of divorce, the limitation to file proceedings is only a year. But in this case still the relationship of husband and wife is still alive. The object of the D.V. Act is to provide effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family. So, it is held that in the case of a subsisting relationship of husband and wife, there is no limitation. Meaning thereby that the complaint under the D.V. Act can be filed at any time, as the physical and mental harassment within the family is a continuing offence.”

14. It was laid down by the Allahabad High Court in *Trilochan Singh vs. Manpreet Kaur and Ors.* (23.10.2021 - ALLHC): MANU/UP/3561/2021 that the petition under Section 12 of the DV Act does not disclose an offence and the period of limitation



provided under Section 468 of does not apply to it. It was observed:

5. Section 468 Cr.P.C. speaks about taking of "cognizance of an offence" and the acts of domestic violence described in the D.V. Act are not offences under the D.V. Act, hence taking of the cognizance of offence is out of question, therefore, applicability of Section 468 Cr.P.C. for acting upon the applications moved under Section 12 of the D.V. Act does not seem just and legal. In other words, Section 468 Cr.P.C. has no application as far as the applications under Section 12 of the D.V. Act are concerned.

15. It was further held that the proceedings are of a civil nature, but the Limitation Act does not apply to them. It was observed:

90. Hence, at the cost of repetition, since the D.V. Act is a beneficial legislation providing remedies of a civil nature for ensuring effective protection to women against domestic violence. The legislature in its wisdom has provided no limitation for moving an application under its Section 12, so the rigour of provisions of the Limitation Act, 1963 shall not apply, and the application so moved cannot be turned down in limine on the ground of limitation alone. The best approach would be to apply the criteria of within 'reasonable period', and what will be the 'reasonable period' will be decided on the basis of 'factual matrix' of each case, keeping in mind the principle of 'equity, justice and good conscience'.

16. It was laid down by the Hon'ble Supreme Court in *Kamatchi v. Lakshmi Narayanan*, (2022) 15 SCC 50: 2022 SCC OnLine SC 446 that a petition under Section 12 of the DV Act does



not disclose any offence and no limitation applies to it. It was observed at page 71:

“19. Let us now consider the applicability of these principles to cases under the Act. The provisions of the Act contemplate the filing of an application under Section 12 to initiate the proceedings before the Magistrate concerned. After hearing both sides and taking into account the material on record, the Magistrate may pass an appropriate order under Section 12 of the Act. It is only the breach of such an order which constitutes an offence, as is clear from Section 31 of the Act. Thus, if there be any offence committed in terms of the provisions of the Act, the limitation prescribed under Section 468 of the Code will apply from the date of commission of such offence. By the time an application is preferred under Section 12 of the Act, there is no offence committed in terms of the provisions of the Act, and as such, there would never be a starting point for limitation from the date of application under Section 12 of the Act. Such a starting point for limitation would arise only and only after there is a breach of an order passed under Section 12 of the Act.”

17. Therefore, the submission that the petition was filed after the delay and is liable to be quashed cannot be accepted.

18. It was submitted that there is a dispute regarding the purchase of land by the present petitioners. This submission will not help the present petitioners. It was specifically stated in the petition that a civil suit is pending regarding the purchase of land. It is an independent cause of action in favour of the present petitioners and has nothing to do with the act of



Domestic Violence. The pendency of the dispute regarding the land does not rule out the domestic violence.

19. Therefore, the present petition does not show that the proceedings suffer from gross illegality or that there is any gross abuse of the process of law. Hence, the present petition cannot be allowed.

20. In view of the above, the present petition fails, and it is dismissed.

21. The observation made herein before shall remain confined to the disposal of the petition and will have no bearing, whatsoever, on the merits of the case.

26th November, 2025
(Nikita)

(Rakesh Kainthla)
Judge