



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Writ Petition No. 611/2022

1. Pushpendra Kumari W/o Lt. Sh. Guman Singh Ji, Aged About 75 Years, B/c Rajput, R/o 6, Defence Lab Road, Ratanada, Jodhpur (Raj.).

2. Karni Singh Bhati S/o Lt. Sh. Guman Singh Ji, Aged About 56 Years, Riddhi Siddhi Bhawan 2 A, Defence Lab Road, Ratanada, Jodhpur (Raj.).

Smt. Darhsini Singh W/o Karni Singh Bahti, Aged About 53 Years, B/c Rajput, R/o Riddhi Siddhi Bhawan, 2-A, Defence Lab Road, Ratanada, Jodhpur

Anirudh Singh Bhati S/o Lt. Sh. Guman Singh Ji, Aged About 46 Years, B/c Rajput, R/o 6, Defence Lab Road, Ratanada, Jodhpur (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, Through Pp

2. Smt. Harshita Bhati D/o Sh. Sher Singh Rathore, Aged About 46 Years, B/c Rajput, R/o Gunavati H.no. 06, Subhash Chowk, Airport, Jodhpur (Raj.).

----Respondents

Connected With

S.B. Criminal Writ Petition No. 612/2022

1. Pushpendra Kumari W/o Late Sh. Guman Singh Ji, Aged About 75 Years, B/c Rajput R/o 6 Defence Lab Road Ratanada Jodhpur Raj.

2. Karni Singh Bhati S/o Late Sh. Guman Singh Ji, Aged About 56 Years, B/c Rajput R/o Riddhi Siddhi Bhawan 2-A Defence Lab Road Ratanada Jodhpur Raj.

3. Smt. Darhsini Singh W/o Karni Singh Bhati, Aged About 53 Years, B/c Rajput R/o Riddhi Siddhi Bhawan 2-A Defence Lab Road Ratanada Jodhpur Raj.

4. Anirudh Singh Bhati S/o Late Sh. Guman Singh Ji, Aged About 46 Years, B/c Rajput R/o 6 Defence Lab Road Ratanada Jodhpur Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp

2. Smt. Harshita Bhati D/o Sh. Sher Singh Rathore, Aged About 46 Years, B/c Rajput R/o Gunavati House No. 06 Subhash Chowk Airport Jodhpur Raj.

----Respondents

For Petitioner(s) : Mr. Gajendra Panwar.



For Respondent(s) : Mr. Gorav Singh, P.P.  
Ms. Priyanka Borana.

**HON'BLE MR. JUSTICE ARUN MONGA**  
**Order**

**05/07/2024**

1. Under challenge herein vide Cr.W.P No.611/2022 is summons issued by the Senior Civil Judge and Additional Chief Metropolitan Magistrate No.5, Jodhpur Metropolitan, on 01.11.2022 against the petitioners in proceedings under Section 23 of the Protection of Women from Domestic Violence Act instituted by the respondent no.2 (wife) in CRM No.205/2022. The second Cr.W.P No.612/2022 has been filed seeking quashing of summons issued by the Senior Civil Judge and Additional Chief Metropolitan Magistrate No.5, Jodhpur Metropolitan, on 01.11.2022 against the petitioners in proceedings under Section 12 of the Protection of Women from Domestic Violence Act instituted by the respondent no.2 (wife) in CRM No.204/2022. Both petitions are being disposed of vide this common order.

2. At the very outset, learned counsel for the complainant—respondent No. 2 (in both petitions) states that she has no objection if the summons issued to the mother-in-law of the complainant, who was arrayed as a party in the complaint before the Magistrate under the D.V. Act, are quashed.

3. Therefore, qua her, no adjudication is warranted before this Court. The issued summons are quashed.

4. The grounds of the petitions are as follows: The petitioners never shared the household with respondent No. 2. The charges levelled against the present petitioners in the said D.V. Act petition



under Section 23 are completely fabricated and appear to be scripted solely to tarnish the image of the husband and family in society. Respondent No. 2 lodged the complaint under Section 23 of the DV Act 19 years after her marriage and 3-4 years after voluntarily deserting her husband and matrimonial relatives. She herself admits that she stayed in Delhi with her husband from 2003 to 2017, during which no complaint was filed. Now the charge sheet has been filed in this FIR and all the petitioners have been exonerated from charges levelled under Sections 498-A, 406, 323, 324 of the IPC. Hence the contents of the D.V. Act petition hold no ground and must be quashed at first instance.



4.1 Due to the lavish lifestyle of respondent No. 2 and her desire to start a large-scale business, she frequently demanded money from her husband. However, in 2018, when husband of respondent No. 2 lost his job, he requested her to restrict expenses and avoid unnecessary spending. This small restriction infuriated respondent No. 2, leading to frequent quarrels with her husband. In 2019, without any reason, she voluntarily left her husband and moved to her parents' house.

4.2 The facts and circumstances of the D.V. Act Petition do not prove any kind of violence ever happened to respondent No. 2, as she never filed any written complaint. This itself raises significant questions, especially considering the petition was filed 18-19 years after her marriage, revealing clear intentions on the part of respondent No. 2. She also falsely claimed that her inability to conceive was due to her husband's impotency, whereas the truth is that medical complications prevented her from conceiving. In

her complaint, she completely reversed the story and falsely accused her husband. Hence, the summons issued against the present petitioners deserve to be quashed.

5. In the preceding part of this order, the summons issued to the senior citizen 75 years old widow mother-in-law of the complainant (Pushpendra Kumari), who was arrayed as a party in the complaint before the Magistrate under the D.V. Act, stand quashed.

6. Having heard learned counsel for the parties, I am of the opinion that qua the remaining petitioners, it would be appropriate if grounds set up in this petition are first gone into and adjudicated by the learned trial Court instead of their being commented upon or prejudged summarily by this Court at this stage. Ordered accordingly.

7. However, on the oral request of learned counsel for petitioners, given that the dispute is primarily between husband and wife, it is directed that Learned trial court to proceed in the matter without insisting for the presence of the petitioners no.2 and 3, who are stated to be the complainant's brother-in-law and sister-in-law (sister of husband). If the learned court below so wishes then the husband of the complainant shall remain personally present before it.

8. Disposed of accordingly.

**(ARUN MONGA),J**

374-375- Sumit/-

Whether Fit for Reporting:

Yes / No