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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

***Decided on: 25.05.2026***

\+ W.P.(CRL) 1584/2026, CRL.M.A. 15755/2026, CRL.M.A. 15756/2026

DINESH KUMAR SHEORAN & ORS. .....Petitioners

Through: Mr. Zeeshan Diwan, Mr. Krishna Multani, Mr. Harsh and MS. Ankita Yadav, Advocates.

versus

MOHINI .....Respondent

Through: None.

**CORAM:**
**HON'BLE MR. JUSTICE PRATEEK JALAN**

**J U D G M E N T**

**PRATEEK JALAN, J. (Oral)**

1. By way of this writ petition under Article 226 of the Constitution, the petitioners challenge an order of the learned Mahila Court dated 13.02.2026, by which the court has declined to dispose of the proceedings initiated by the respondent herein against the petitioners, under the Protection of Women from Domestic Violence Act, 2005 ["DV Act"]. The petitioners also seek quashing of the proceedings under the DV Act. The application was predicated on the ground that the petitioners have been acquitted in criminal proceedings based on substantially similar allegations.

2. The factual background of the case is as follows:

A. Petitioner No. 1 is the husband of the respondent, and the other two petitioners are his parents.

B. The marriage of petitioner No. 1 and the respondent was solemnised on 08.02.2012.

C. The respondent instituted the subject complaint under the DV Act on 14.01.2016.

D. The respondent made a complaint before the Crime Against Women ["CAW"] Cell on 02.11.2015, which came to be registered as FIR No. 40/2016 dated 28.01.2016 at P.S. Palam Village, District South West, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 ["IPC"].

E. On 26.11.2024, the petitioners were acquitted in the criminal proceedings. The Trial Court recorded the conclusion that the deposition of the complainant [respondent herein] failed to prove the allegations against the accused persons [petitioners herein] beyond reasonable doubt.

F. On the basis of the said judgment acquitting the petitioners, petitioner No. 1 filed the application dated 16.01.2026 before the Mahila Court, seeking disposal of the DV Act proceedings. He also submitted that the allegations in the DV Act complaint were vague, generic, and omnibus and have been disbelieved, as recorded in the judgment dated 26.11.2024. He therefore prayed that the petitioners may not be put through a second proceeding on the same allegations.

G. In the impugned order dated 13.02.2026, the Mahila Court dismissed the petitioners' application, holding that both

proceedings were independent and could coexist. Further, it was held that the acquittal in criminal proceedings did not preclude an aggrieved person from seeking civil remedies under the DV Act.

3. Mr. Zeeshan Diwan, learned counsel for the petitioners, submits that both the proceedings arise out of substantially similar allegations. In fact, he submits that the substantive allegations in the FIR and the proceedings under the DV Act are verbatim reproductions of each other. Mr. Diwan draws my attention to the factual findings of the learned Trial Court in the judgment of acquittal[1], to contend that a second round of proceedings would be harassive to the petitioners, vexatious, and amount to an abuse of the process of Court.

4. Mr. Diwan cites the judgment of the Supreme Court in *Kailashben Mahendrabhai Patel & Ors. v. State of Maharashtra & Anr.*[2], and the judgment of the Calcutta High Court in *Narayan Biswas & Ors. v. State of West Bengal & Anr.*[3], in support of his contentions. He also draws my attention to the judgment of a coordinate Bench of this Court in *Abhishek Kumar v. Neha Lal*[4].

5. At the outset, it may be noted that proceedings under the DV Act have been held to be essentially civil in character, in *Kunapareddy@ Nookala Shanka Balaji v. Kunapareddy Swarna Kumari*[5]. Different proceedings, civil and criminal, based on the same substantive allegations, are not unknown to law. The same transaction or the same

[1] Paragraph 27 of the judgment dated 26.11.2024 of the JMFC, Mahila Court-02, South West, Dwarka Courts, Delhi, in CR Case No. 1881/2017.
[2] 2024 SCC OnLine SC 2621, [hereinafter, " *Kailashben*"].
[3] 2024 SCC OnLine Cal 1926, [hereinafter, " *Narayan Biswas*"].
[4] 2024 SCC OnLine Del 10029, [hereinafter, " *Abhishek Kumar*"].
[5] (2016) 11 SCC 774.

incident can give rise to both civil liabilities and criminal prosecution. In such a situation, the general principle is that both sets of proceedings are independent of each other and may proceed in accordance with law. In *Iqbal Singh Marwah v. Meenakshi Marwah*[6], a Constitution Bench of the Supreme Court articulated the principle thus:

> "*32.* ***Coming to the last contention that an effort should be made to avoid conflict of findings between the civil and criminal courts, it is necessary to point out that the standard of proof required in the two proceedings are entirely different****. Civil cases are decided on the basis of preponderance of evidence while in a criminal case the entire burden lies on the prosecution and proof beyond reasonable doubt has to be given.* ***There is neither any statutory provision nor any legal principle that the findings recorded in one proceeding may be treated as final or binding in the other, as both the cases have to be decided on the basis of the evidence adduced therein.*** *While examining a similar contention in an appeal against an order directing filing of a complaint under Section 476 of the old Code, the following observations made by a Constitution Bench in M.S. Sheriff v. State of Madras*[7] *give a complete answer to the problem posed:*
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> > *"15. As between the civil and the criminal proceedings we are of the opinion that the criminal matters should be given precedence. There is some difference of opinion in the High Courts of India on this point. No hard-and-fast rule can be laid down but we do not consider that the possibility of conflicting decisions in the civil and criminal courts is a relevant consideration. The law envisages such an eventuality when it expressly refrains from making the decision of one court binding on the other, or even relevant, except for certain limited purposes, such as sentence or damages. The only relevant consideration here is the likelihood of embarrassment.*
> >
> > *16. Another factor which weighs with us is that a civil suit often drags on for years and it is undesirable that a criminal prosecution should wait till everybody concerned has forgotten all about the crime. The public interests demand that criminal justice should be swift and sure; that the guilty should be punished while the events are still fresh in the public mind and that the innocent should be absolved as early as is consistent*

[6] (2005) 4 SCC 370.
[7] AIR 1954 SC 397.

> *with a fair and impartial trial. Another reason is that it is undesirable to let things slide till memories have grown too dim to trust.*
>
> *This, however, is not a hard-and-fast rule. Special considerations obtaining in any particular case might make some other course more expedient and just. For example, the civil case or the other criminal proceeding may be so near its end as to make it inexpedient to stay it in order to give precedence to a prosecution ordered under Section 476. But in this case we are of the view that the civil suits should be stayed till the criminal proceedings have finished."*

The same principle has been reiterated in a more recent decision of the Supreme Court, *Prem Raj v. Poonamma Menon*[8].

6. In the present case, this question is raised in the context of acquittal in concluded criminal proceedings, and the effect thereof on DV Act proceedings. It is Mr. Diwan's submission that, in the criminal proceedings, the petitioners have been acquitted of the allegation that they had subjected the respondent to cruelty. However, he argues that very allegation is sought to be advanced, based on the very same incidents, in the DV Act proceedings also.

7. In my view, this contention has been conclusively decided against the petitioners by the coordinate Bench of this Court in *Abhishek Kumar*. In that case also, this Court was approached for quashing of proceedings under the DV Act, on the ground that the respondent therein had been acquitted in criminal proceedings under Sections 498/406 of the IPC. The argument, as in the present case, was that the evidence of the complainant had already been appreciated and found to be untrue. This Court rejected the said contention with the following observations**:**

[8] (2024) 6 SCC 143, paragraph 17.

> "*19. However,* ***this Court is of the considered view that acquittal of petitioner in a case under Sections 498A/406 of IPC, since the prosecution's case could not be proved beyond reasonable doubt, cannot become a sole criteria for quashing of present complaint under PWDV Act,*** *since the intent of both these laws as well as the procedure and the possible reliefs under them are completely distinct from each other. As already taken note of in preceding discussion, the contentions which the petitioner has raised before this Court as well as in the application filed under Sections 25(2) and 28 of PWDV Act are all matters of trial, which can be appreciated only once the entire evidence is recorded by the learned Trial Court."*[9]

8. In view of the aforesaid position, enunciated by a coordinate Bench of this Court, I am of the view that the petitioners' application was rightly rejected by the Trial Court.

9. The judgments cited by Mr. Diwan do not persuade me to a contrary conclusion, for the following reasons:

*a.* In *Kailashben*, the Supreme Court was dealing with a situation converse to the present case - proceedings under the DV Act having been dismissed, the Court was asked to quash criminal proceedings under Section 498A of the IPC. The Supreme Court found that both proceedings had been instituted on identical allegations, which had already been "*examined in detail, subjected to strict scrutiny, and rejected as false and untenable*". The Court further examined the contents of the chargesheet, and concluded that no *prima facie* criminal offence was made out. In my view, the two situations are quite different. Where allegations fail, even on the civil standard of preponderance of probabilities, as in *Kailashben*, it may legitimately be inferred that they would not satisfy the more stringent criminal standard of proof, beyond

[9] Emphasis supplied.

reasonable doubt. However, the present case presents the reverse situation. Merely because the prosecution has failed to establish the offence beyond reasonable doubt, it cannot automatically be presumed that the complainant would fail to establish domestic violence, on the lower threshold applicable to civil proceedings.

b. In *Narayan Biswas,* the Calcutta High Court quashed the proceedings under the DV Act, on the ground that an FIR under Section 498A of the IPC had already been quashed under Section 482 of the Code of Criminal Procedure, 1973. The first point of distinction, insofar as the present case is concerned, is that the Calcutta High Court found that the DV Act proceedings had been instituted only after quashing of the criminal proceedings, which gave rise to a *prima facie* inference of a malicious complaint. In contrast, in the present case, the proceedings under the DV Act were instituted even prior to registration of the FIR, albeit after the complaint had been made to the CAW Cell. The second point of distinction is that the criminal proceedings in *Narayan Biswas*, had been quashed on the finding that all allegations were general and omnibus, without any specific allegations against the accused. In the present case, the criminal proceedings have not failed at the threshold, but because they could not be proved beyond reasonable doubt. In any event, even accepting Mr. Diwan's submission that the ratio of *Narayan Biswas* is applicable to the present case, I am bound by the coordinate Bench decision of this Court, which is to the contrary.

10. Following the judgment in *Abhishek Kumar*, therefore, I am of the view that the petitioner has failed to make out a case for interference with the impugned order dated 13.02.2026 of the learned Mahila Court, or the proceedings pending before the said Court.

11. The petition, alongwith the pending applications, is therefore dismissed.

12. It is made clear that this Court has not entered into the merits of the matter, and all rights and contentions of the parties before the Mahila Court, remain reserved.

**PRATEEK JALAN, J**

**MAY 25, 2026**
*PV*/Jishnu/