

ITEM NO.36

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3772/2024

(Arising out of impugned final judgment and order dated 14-02-2024 in CRLWP(ST) No. 18350/2023 passed by the High Court Of Judicature At Bombay)

DISHA JIMIT SANGHVI

Petitioner(s)

VERSUS

KINJAL JAYESH MEHTA &amp; ANR.

Respondent(s)

(IA No.66175/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66178/2024-EXEMPTION FROM FILING O.T. )

Date : 18-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Siddharth Agarwal, Sr. Adv.  
Mr. Shantanu Phanse, Adv.  
Mr. Prastut Mahesh Dalvi, AOR  
Ms. Vidhi Pankaj Thaker, Adv.  
Ms. Damini Pankaj Thaker, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Heard Mr. Siddharth Agarwal, learned senior counsel appearing for the petitioner.

2. The petitioner is the informant and she is aggrieved by the discharge of the sister-in-law (respondent no.1) ordered by the Magistrate which is now restored by the High Court under the impugned order dated 14.02.2024. The reason for the discharge is that the respondent no.4 in the Domestic Violence case, did not reside in the shared household as she was a married lady and was

residing nearby in her own matrimonial home.

3. The senior counsel would however refer to the complaint to point out that the respondent no.4, although was residing in her matrimonial home nearby, used to spend her whole day in the informant's shared household. Moreover, the allegation against her is same as those against the informant's husband and the in-laws. The counsel places reliance on *Prabha Tyagi v. Kamlesh Devi*, reported in (2022) 8 SCC 90 to say that a married sister in law need not be excluded only because, she resides in her matrimonial home if, it is a case where the same married sister in law is a frequent visitor in the shared household of the victim.

4. Issue notice, returnable in four weeks.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR