



2026:DHC:9084



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Reserved on: 18.09.2026******Pronounced on: 13.10.2026******Uploaded on: 13.10.2026***# **CNR No. DLHC010004402026**+ **CRL.REV.P. 17/2026****VIKAS GUPTA**

.....Petitioner

Through: **Mr. V.K. Gupta, Advocate.**

versus

RANJANA AGARWAL ALIAS GUPTA & ORS. RespondentsThrough: **Ms. Manjeet Arya, Advocate**
[Amicus Curiae].**CORAM:****HON'BLE MR. JUSTICE PRATEEK JALAN****J U D G M E N T**

1. The petitioner is a person with 86% permanent locomotor disability. By way of this petition, he assails an order of the learned Special Court dated 15.12.2025, by which his complaint¹ under Section 92 read with Section 84 of the Rights of Persons with Disabilities Act, 2016 [“the RPwD Act”], was dismissed.
2. The petitioner and respondent No. 1 were married on 14.04.2012. However, they have been living separately since 08.05.2012. The parties, alongwith their respective family members, have been involved in several litigations. At the instance of the petitioner, the Family Court, Lucknow,

¹ Complaint Case No. 17/2025.



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passed a decree of divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955, on 21.08.2020, against which respondent No. 1 is in appeal. The said appeal remains pending before the Allahabad High Court.

3. In the meanwhile, the parties have both filed various complaints against each other. The petitioner has lodged several complaints against the respondents with the police authorities, including on 02.07.2012, 25.12.2012, and 04.10.2025, alleging threats and humiliation, including on account of his disability. On the other hand, respondent No. 1 has also initiated proceedings against the petitioner and/or his family members, including registration of an FIR under Sections 498A/406/323 of the Indian Penal Code, 1860, read with Section 4 of the Dowry Prohibition Act, 1961; a complaint under Section 12 of the Protection of Women against Domestic Violence Act, 2005; and a petition under Section 125 of the Code of Criminal Procedure, 1973.

4. The petitioner filed the subject complaint dated 10.11.2025 before the learned Special Court, constituted under Section 84 of the RPwD Act, seeking initiation of criminal proceedings against the respondents, who are his former wife and her family members [mother, sisters, and brothers-in-law]. The petitioner alleged therein that the respondents insulted and humiliated him, *inter alia*, on account of his disability.

5. The learned Special Court dismissed the subject complaint *vide* the impugned order, noting as follows:

“4. The complainant has alleged that all the proposed accused have harassed, humiliated, intentionally insulted and committed various atrocities upon him by way of their different actions. He has made the following allegations against the proposed accused persons:-

(i) He was informed wrong date of birth of his erstwhile wife by her family members (proposed accused no.2 to 6), as her actual date of birth is



25.11.1977, however, in her biodata, her date of birth was mentioned as 25.11.1987;

(ii) while he was living with proposed accused no.1, she used to abuse and threaten to falsely implicate him in false cases since her marriage was solemnized forcefully without her consent with the complainant who is a disable person and due to this reason, she did not let the marriage consummated;

(iii) **proposed accused no.1 used to repeatedly intentionally insulted him by addressing him 'langda' and always used to say 'langde se shaadi karne ke baad meri zindagi kharab ho gayi'**;

(iv) on 05.05.2012, mother of his wife (proposed accused no.2) visited complainant's house where she stayed for 4 days, thereafter, his wife left his company on 08.05.2012 taking her all valuables and stridhan at her parental home at Lucknow;

(v) after reaching at Lucknow, proposed accused persons telephonically contacted the complainant and informed him that proposed accused no.1 is not interested to live with him, therefore, they wanted to dissolve the marriage by way of mutual consent. Thereafter, they started threatening him either to pay Rs.16 lakh, failing which, he and his family would be ropped in a dowry case;

(vi) on 29.07.2012 and 30.07.2012, family members of his wife visited his house where they created scene and took away all her remaining dowry articles;

(vii) **all the proposed accused persons used to threaten, defame and pass adverse remarks on the disability of the complainant with intention to harass and humiliate him;**

(viii) his erstwhile wife has filed various cases against him and his family members i.e. u/s 12 D.V. Act, FIR under Section 498A/406/323 IPC & 4 D.P. Act apart from other police complaints;

(ix) his wife used to threaten him that her jijas (proposed accused no.5 and 6) are on highly posted in Government and with their influence she would teach him a lesson;.

(x) proposed accused persons used to contact the police at his office to enquire about him;

(xi) **on 05.07.2025, his wife alongwith her mother and sister visited the house of complainant's married sister and crated scene there;**

(xii) complainant has filed a police complaint dated 04.10.2025 against the proposed accused persons;

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6. Here, **as per the own case of the complainant, the parties are separated since 2012. They have lived together barely for a month. All the allegations mentioned in the complaint pertains to the period when**



parties were living together in 2012 i.e. 13 years back that too without any specific details of the any alleged incident. Complainant has made vague and generic allegations sans any date time or incident when respondents would have used demeaning words against him. The complaint, as set out, appears to be purely matrimonial dispute and a belated attempt to revive stale grievances. Given the long lapse of time, lack of particulars, and the fact that the parties are already divorced, the complaint is liable to be dismissed as an after-thought and an abuse of process. Accordingly, present complaint is hereby dismissed.”²

6. While issuing notice in this petition on 12.01.2026, the Court noted the contention of Mr. V.K. Gupta, learned counsel for the petitioner, that the petitioner was willing to explore the possibility of a comprehensive settlement with respondent No. 1, in respect of all disputes subsisting between the parties. On the next date of hearing, i.e. 07.04.2026, learned counsel entered appearance on behalf of the respondents and sought time to file his *vakalatnama*. The parties were referred to mediation with their consent, but the mediation proceedings have been closed as a ‘Non-Starter’. The mediation report dated 20.05.2026 was placed before this Court, which notes that “one of the Parties was not interested in the matter of mediation proceedings”. On 03.07.2026, the respondents were unrepresented. Mr. Gupta was requested to inform learned counsel for the respondents of the next date of hearing. However, they remained unrepresented even on 01.09.2026 and 18.09.2026. On 01.09.2026, the Court noted that the respondents had been duly served, as evident from an affidavit of service dated 09.03.2026 filed by Mr. Gupta. However, the counsel, who appeared on their behalf on 07.04.2026, had not filed his *vakalatnama*. Ms. Manjeet Arya, learned counsel, was requested to assist the Court as *Amicus Curiae*.

² Emphasis supplied.



7. In support of the present petition, Mr. Gupta submitted that although the harassment at the hands of the respondents commenced in 2012, it continued in the following years. He specifically drew my attention to a complaint made by the petitioner to the Station House Office, Police Station Seema Puri, on 04.10.2025. Learned counsel also pointed out that, even after the filing of the subject complaint, the respondents continued with the same conduct, as averred in the present petition, as follows:

“22. That the Revisionist is working at MMTC, Delhi and the Respondents are visiting the office of the Revisionist and are writing defamatory letters against the Revisionist to his employer, to wreck personal vendetta on him and to ensure his services are terminated. The Respondents are trying maligning the reputation of the Revisionist by making false and baseless allegations to the employer of the Revisionist. On 03.12.2025, the Respondent no.1 to 3 came to the office of the Revisionist and created a scene (sic.) in the office by abusing the Revisionist in filthiest language and passing the adverse remarks on his disability.”

He, therefore, contended that the acts of harassment committed after April 2017, being the date on which the RPwD Act came into force, would fall within the ambit of the said Act.

8. Ms. Arya, on the other hand, submitted that the alleged acts date back to 2012 and, therefore, fall outside the purview of the RPwD Act, which was enacted in 2016. She further contended that the petitioner had failed to provide specific particulars of the alleged incidents in his complaint.

9. Having heard learned counsel and perused the material on record, I am of the view that the order passed by the learned Special Court is unsustainable, as it fails to consider the complaint comprehensively.

10. In the complaint filed by the petitioner before the learned Special



Court, the petitioner specifically averred as follows:

“9. That after the marriage of the Complainant and the accused no.1, the accused no.1 was brought to the matrimonial home and was treated with dignity, love and care by the Complainant and his family members. However, after joining the matrimonial home, the accused no.1 started behaving in a cruel, abusive, and harassing manner towards the Complainant as well as with his family members. The accused no.1 used to abuse the Complainant both verbally and mentally, frequently using foul and insulting language, and threatening to implicate the Complainant and his family members in false cases as her marriage was solemnized forcefully without her consent with a disabled Complainant by the accused no.2 to 6 and the accused no.1 refused to consummate the marriage with the Complainant. The accused no.1 stayed in a separate room away from the company of the Complainant as she was not happy with her marriage with a disabled Complainant. **The accused no.1 used to call the above said Complainant ‘LANGRA’ and always used to pass the remarks that “LANGRE SE SHADDI KARNE KE BAAD MERE JHINDGI KHARAB HO GAYEE”.**

10. That the accused no.1 married with the Complainant by fraud. The accused no.1 is cruel in nature and refused to cohabit with the Complainant. The accused no.1 refused to take care of the disabled Complainant. **The accused no.1 abused him with a filthy language, passing remarks on the disability of the Complainant,** threatened him to implicate in criminal cases by lodging false complaints and also assaulted him from 21.04.2012 to 08.05.2012 **and still continuing the same till date. The Complainant was subjected to physical and mental torture by the accused no.1 and the Complainant was harassed, maltreated and humiliate by different ways by passing remarks on his disability.**

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12. That after some days their reaching Lucknow the accused persons phoned the Complainant and his family members and informed them that the accused no.1 was not interested to live with the Complainant and they are interested to dissolve the marriage by mutual consent. The accused persons started giving threats to the Complainant on phone by abusing the Complainant in filthy language and passing adverse remarks on his disability. They also send threatening calls that either to pay Rs. 16,00,000/- (Rupees Sixteen Lakhs) to them otherwise they would get arrested the disabled Complainant and his family members in false dowry demand and harassment cases.

13. That on 29-07-2012/ 30-07-2012, the accused person no. 2 to 6 visited the Complainant's house and has created a scene in the Complainant's house and received forcefully all the remaining dowry articles of the accused no.1 and jewellery belonging to the mother of the Complainant from the Complainant and his family members by showing the sword of



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15. That the Complainant has given a written complaint against the accused persons regarding threats, humiliations etc. to the S.H.O. P.S. Seema Puri, Delhi vide DD No. 11B dt.02.07.2012 and DD No.24B dated 25.12.2012 and on various dates. The Complainant through the said complaints informed the police that the accused persons were threatening, defaming, passing adverse remarks on his disability through different phone numbers to the Complainant to harass and implicate them in some false cases. The accused persons also phoned to the relatives and colleagues and friends of the Complainant leveling false allegations against him with a sole motive to extort money by humiliating, defaming, threatening, and passing adverse remarks on the disability of the Complainant in the eyes of society. The accused no.1 in collusion with the accused no.2 to 6 used to talk on telephone to the colleagues and higher officials in the office of the Complainant and told them verbally and in writing that "AAJ KAL KANOON LADKIYO KE SAATH HAI" and "AB LANGRE KE KHILAF AUR USKE PARIVAR KE KHILAF LUCKNOW MEIN CASE DALEGEIN" and "AB LANGRE KO AUR USKE PARIVAR KO MAJA CHANKA DEGE OR DELHI LUCKNOW KEE DOORI NAPVA DEGE" and "LANGRE KI EK TAANG TOOTI HAI AAB DOOSRI TODH DENGE".

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20. That the accused no. 1 in collusion with accused no. 2 to 6 threatening, harassing, torturing, humiliating and maligning the reputation/ goodwill / image of the Complainant and his family members in public at large in Delhi by visiting and calling in the office of the Complainant, by visiting and calling in the neighborhood of the Complainant, in the in-laws house and their neighborhood of the Complainant sister's matrimonial house and other relatives of the Complainant residing in Delhi with the malafide intention to extort huge amount of money from the Complainant and his family members. The accused no.1 to 3 on 05.07.2025 also visited the in-laws house of the married sister of the Complainant and created a scene in the in-laws house of her married sister with the sole motive to defame, harass and to extort money.

21. That the accused persons were always passing comments towards physical infirmity of the Complainant to cause mental pain to the Complainant. The accused no.1 in collusion with the accused no.2 to 6 has made number of false complaints in writing, verbal, telephonically and by visiting the office/ employer of the Complainant to bring down the image of the Complainant in front of the employer and reflect on his career and promotional opportunities. The accused persons no.1 to 6 are still doing the same to cause mental agony in the mind of the Complainant by passing adverse remarks on his disability, due to such



actions of the accused persons have further compounded the disability of the Complainant. The various complaints against such conduct of the accused persons have been made to the respective authority, but no action has been taken by such authority.

22. That on 04.10.2025, the Complainant has lodged a written complaint against the Accused Persons no .1 to 6 regarding such acts of abusing, threatening, maltreating, passing adverse remarks on the disability of the Complainant, etc to the S.H.O. P.S. Seema Puri, Delhi. The copy of the complaint dated 04.10.2025 lodged at SHO, P.S Seema Puri, Delhi is annexed as Annexure-2.

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25. That the acts committed by the Accused Persons no.1 to 6 come within the definition of atrocities as enshrined under the RPWD Act, 2016, hence this complaint under section 92 of Right of Persons with Disabilities is being filed.”³

11. As noted above, the petitioner had also lodged a complaint with the Station House Office, Police Station Seema Puri, on 04.10.2025, which includes the following allegations:

“3. That after leaving the matrimonial home Smt. Ranjana @ Agarwal @ Gupta and other relatives as mentioned above started insulting , abusing and started passing adverse remarks on my disability in the presence of relatives and friends and other society members with the sole motive to extort huge amount of money from me.

4. That the above mentioned persons threatening, harassing, torturing, humiliating and maligning the reputation/ goodwill / image of me, handicapped person in public at large in Delhi **by visiting and calling in my office, by visiting and calling in my neighborhood, in the in-laws house and their neighborhood of my married sister matrimonial house and other relatives residing in Delhi with the malafide intention to extort huge amount of money from me and my family members. The above persons on 05.07.2025 also visited the in-laws house of my married sister house and created a scene in the in-laws house of my married sister with the sole motive to defame, harass and to extort money.**

5. That the above mentioned persons were **always passing comments towards my physical infirmity to cause mental pain.** The above mentioned persons has made number of false complaints in writing, verbal, telephonically and by visiting my office to bring down my image in front of the employer and reflect on his career and promotional

³ Emphasis supplied.



opportunities. **The above mentioned persons are still doing the same to cause mental agony to me by calling me as 'LANGRA'.**

6. That the above mentioned persons **are visiting the office** and **are also writing defamatory letters** against myself, to wreck personal vendetta on me. **They are trying to malign the reputation of myself** by making calls and baseless allegations. They are in collusion with the staff of my office are extracting the official documents like salary slips etc unofficially without my and other officials permission and misusing it as a weapon to harass me, a handicapped person.”⁴

12. It is evident from the above that the impugned order takes note of the contents of the complaint, including the incident dated 05.07.2025, but fails to consider the same while arriving at its conclusion. The learned Special Court has proceeded on the basis that all the allegations levelled by the petitioner relate to the year 2012. However, there were clear allegations of continued acts on the part of the respondents, including a specific allegation of an incident on 05.07.2025. Ms. Arya sought to contend that the allegation with regard to the said incident, refers only to the respondents “creating a scene” at the residence of the petitioner’s sister’s matrimonial home. However, this is a matter which the learned Special Court ought to have considered in light of the complaint as a whole, particularly in the context of a statute such as the RPwD Act, which is intended to protect vulnerable sections of society from harassment on the ground of disability. To the extent that the Special Court considered the complaint to be devoid of specific particulars, Ms. Arya accepts that further details could have been called for, including by recording pre-summoning evidence. I am of the view that the approach adopted by the learned Special Court in the impugned order was perfunctory and unjustifiable.



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13. The impugned order is, therefore, set aside, and the proceedings are remanded to the learned Special Court for fresh consideration, in accordance with law.

14. As regards the incidents referred to in the captioned Revision Petition, and alleged to have taken place subsequent to the filing of the subject complaint, the petitioner shall be at liberty to avail such remedy as may be available in law, including by instituting a fresh complaint, if so advised.

15. The petition is disposed of in terms of the above.

16. However, it is made clear that the observations of this Court are only for the purpose of deciding the present petition, and shall neither influence the decision of the learned Special Court upon remand, nor be construed as an expression of opinion on the merits of the case.

17. The Court records its appreciation for the valuable assistance rendered by Ms. Arya.

PRATEEK JALAN, J

OCTOBER 13, 2026
SS/MK/KA/

⁴ Emphasis supplied.