



# **HIMCAPES College of Law**

**V.P.O. Badhera, Una, Himachal Pradesh-177209**

(Affiliated to Himachal Pradesh University, Shimla and  
Approved by Bar Council of India, New Delhi)



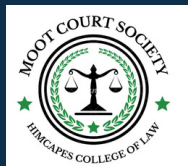
[moot.himcapes@gmail.com](mailto:moot.himcapes@gmail.com)

## **2nd INTER LAW COLLEGE/UNIVERSITY MOOT COURT COMPETITION 2025**

organized by  
**MOOT COURT SOCIETY,  
HIMCAPES College of Law**



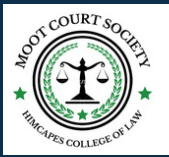
**BROCHURE & RULE BOOK**



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# ABOUT HIMCAPES

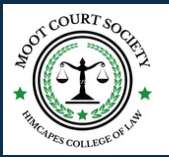


**HIMCAPES College of Law stands as a center of excellence, committed to redefining legal education in Himachal Pradesh. Over the years, it has built a strong academic reputation, producing law graduates who excel in both knowledge and practice. Located amidst the serene hills of Una District, the college offers an ideal environment for learning, blending academic rigor with a vibrant campus experience.**

**At HIMCAPES, legal education is not just about studying laws but about understanding their real-world implications. The institution emphasizes holistic learning by integrating classroom teachings with practical exposure through moot courts, legal research, and interactive discussions. With dedicated faculty and a student-centric approach, HIMCAPES fosters an atmosphere where intellectual curiosity meets professional training.**

**Education at HIMCAPES is designed to challenge perspectives, encourage critical thinking, and develop skilled legal professionals. We believe that learning extends beyond textbooks, shaping individuals who can navigate the complexities of law with confidence and ethical integrity.**

**Affiliated with Himachal Pradesh University, Shimla, and recognized by the Bar Council of India, HIMCAPES offers the five-year integrated B.A. LL.B. (Hons.) program and the three-year LL.B. course. With a strong foundation in legal principles and a focus on practical application, the institution continues to empower future lawyers to contribute meaningfully to the legal profession.**



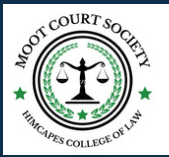
# ABOUT THE COMPETITION



**The Moot Court Society, HIMCAPES College of Law is organising the second edition of Moot court competition in 2025. After the success of the inaugural edition, the HIMCAPES College of Law returns with the national-level Competition with greater enthusiasm, inviting participants from diverse law schools across the country to engage in rigorous legal debates and simulated courtroom proceedings.**

**This competition is designed to challenge participants with intricate legal problems that require in-depth research, analytical thinking, and persuasive argumentation. It offers law students a chance to step into the shoes of advocates, refine their litigation skills, and experience the intensity of real-world legal battles before an esteemed panel of judges.**

**“At HIMCAPES, we believe that advocacy is at the core of legal practice. This competition goes beyond theoretical knowledge, encouraging students to engage critically with contemporary legal issues, think on their feet, and develop the confidence to present compelling arguments.” Bringing together teams from various institutions, the Second National-level Moot Court Competition fosters an environment of healthy competition, intellectual exchange, and professional growth. With its commitment to upholding the highest standards of mooting, HIMCAPES continues to shape the future of legal professionals through this prestigious event.**



# ACHIEVEMENTS OF HIMCAPES



- **1st Prize in 5th National Moot Court Competition, 2024, organized by Career Point University, Hamirpur, Himachal Pradesh.**
- **Best Researcher in 6th CL Agarwal Memorial National Moot Court Competition 2022, Organized by Raffles University, Neemrana (Rajasthan).**
- **3rd Position in National Client Counselling Competition, 2022 organized by Shoolini University, Solan, Himachal Pradesh.**
- **Participated in the 5th National Moot Court Competition, Organized by UIILS, Shimla.**
- **Participated in the National Moot Court Competition 2022, Organized by Department of Laws, Himachal Pradesh University, Shimla.**
- **1st Prize in Quiz Competition organized by Sub- Division Election office Haroli, Una , Himachal Pradesh.**



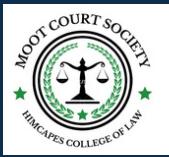
## OUR GOLD MEDALIST IN HIMACHAL PRADESH UNIVERSITY, SHIMLA OVER DIFFERENT ACADEMIC SESSIONS

- **Jatinder Kumar, Gold Medalist of Academic Session 2007-12, HP University**
- **Anurag, 3rd Rank of Academic Session 2007-12, HP University**
- **Pooja Thakur, Gold Medalist of Academic Session 2008-13, HP University**
- **Parveen, 2nd Rank of Academic Session 2008-13, HP University**
- **Sarita Paul, Gold Medalist of Academic Session 2011-16, HP University**
- **Pooja Devi, Gold Medalist of Academic Session 2013-16, HP University**
- **Niyati Nagpal, Gold Medalist of Academic Session 2014-19, HP University**

## PRESTIGIOUS APPOINTMENTS

- **Mrs. Parveen Lata- Selected in H.P. Judicial Services, 2019**
- **Sh. Rajat Kumar Kanojia- Selected in Haryana Judicial Services, 2022**
- **Sh. Jatinder Kumar- Selected as Assistant District Attorney at State of Himachal Pradesh.**
- **Malika Thakur, Placement in Seth Associates - Legal Consultant, Una, HP (2024).**





# GLIMPSE OF 1ST NATIONAL MOOT COURT COMPETITION, 2024



## **DATE & VENUE OF THE COMPETITION:**

The 2nd Inter Law College/University Moot Court Competition is scheduled to take place on 2<sup>nd</sup> May, 2025 & 3<sup>rd</sup> May, 2025 (Friday & Saturday) at the campus of HIMCAPES College of Law, located in Badhera, Tehsil Haroli, District Una, Himachal Pradesh-177209, India.

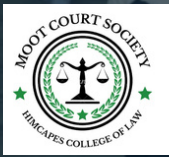
## **TEAM COMPOSITION:**

- Each team may consist of the following three members, two speakers, and one researcher (Optional).
- No alterations in the composition of the team is permitted once the team is registered for the competition.
- Any person other than the registered team members is not eligible to avail facilities reserved for the participants.
- More than one team from a University/College/Institution can participate. Each team is required to register individually.

## **ELIGIBILITY:**

Students enrolled bona-fide in a three-year LL.B. or five-year B.A.LL.B. degree program at any college, university or institution in India recognized by the Bar Council of India (BCI) are eligible to register their teams for participation.





## REGISTRATION:

The participating teams are required to confirm their registration by duly filling the Registration Form provided in Annexure-A and fill the Travel & Accommodation Form provided in Annexure-B.

(Annexure-A and Annexure-B are attached at the end of this brochure).

The registration fee for the competition is Rs. 5000/- (inclusive of food & accommodation), which once paid is non-refundable. The payment must be made through Online Money Transfer, UPI, Paytm, or Google Pay in favor of HIMCAPES College of Law. The details for payment are as follows:

**Account Number-** 39010744348

**Beneficiary Name-** THE HP STATE COOP ADV OF

**IFSC Code-** SBIN0050234

**Bank Name-** STATE BANK OF INDIA

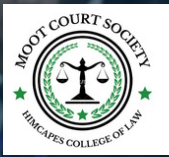
**UPI ID:** himcapesorg@sbi

**Details-** Student's name and college/institution name



After completing the payment, teams must upload an e-copy of the duly filled Registration Form and, if applicable, the Travel and Accommodation Form, along with the payment receipt, through the [Registration Form Link](#) on or before April 22, 2025. Additionally, participating teams must submit a duly filled hard copy of the Registration Form on May 2, 2025 at the Registration desk, HIMCAPES College of Law.

When the participating team receives a confirmation mail from the Moot Court Society, HIMCAPES College of Law, the team shall be formally registered as a participant for the event, and a team code will be assigned to such team. Thereafter, for all further correspondence, all the registered teams shall identify and refer to themselves using the allotted team code only.



## DRESS CODE:

The participants shall adhere to the following dress code throughout the competition (inaugural ceremony, oral rounds and valedictory ceremony):

- **For Men-** White formal shirt paired with black formal trousers, a black tie (without insignia), a black blazer and black formal shoes; and
- **For Women-** White formal shirt and black formal trousers, complemented by a black blazer, black tie (without insignia) and black formal shoes. Alternatively, a white kurta with salwar, black blazer and black formal shoes.

## ID CARDS:

Each participant will be issued an ID Card upon entering the College campus. It is mandatory for all participants to wear their IDcards at all times within the campus premises.

## LANGUAGE:

The Moot Court Competition will be conducted exclusively in the English language only.

## CLARIFICATIONS

For any queries regarding the moot proposition or the rules, participants may seek clarifications by sending an email to **moot.himcapes@gmail.com** no later than 24th April, 2025. Requests received after the deadline will not be entertained. Teams are encouraged to seek clarifications well in advance to ensure a smooth and fair competition.

## ANONYMITY

- All the team members must refrain from disclosing their identity in any form and must use the assigned team codes for all correspondence, which will be provided upon final registration.
- Teams shall not, in any way, reveal their Identity in the memorial or in the course of the Oral Pleadings Session.

Any material, including the Compendium, books, bare acts, or any other reference material, carried into the courtroom, whether presented to the Bench or not, shall not reveal the Team's identity.

## GUIDELINES FOR MEMORIAL SUBMISSION AND COMPENDIUM

All memorials submitted for the purposes of the Competition shall strictly adhere to the following rules:

- Each team shall prepare a memorial for both the sides, i.e. Petitioner and Respondent, in English Only.
- Petitioner memorials are required to have a **blue** cover and Respondent memorials are required to have a **red** cover.
- The registered teams must mail a soft copy of their memorials of both sides (Petitioner and Respondent) in PDF Format at **moot.himcapex@gmail.com** latest by 25th April, 2025 and the subject of the email should be "Submission of Memorials for TC- \_\_".
- Both the memorials of a team shall be attached in a single mail only.
- The file names of the electronic copies of the Memorials must contain only the team code and the side being represented (P for Petitioner & R for Respondent).  
e.g., Petitioner Memorial of TC-101 should be named 'P-101'.
- The teams should send four (4) hard copies of both sides of their memorials by 24th April, 2025 by post to the postal address:

The Principal, HIMCAPES College of Law, V.P.O. Badhera, Tehsil Haroli,  
Distt. Una, Himachal Pradesh, 177209, Contact no- 8580672809

- The Memorial must be 'spiral binding' ONLY.
- The hard copies of the Memorial shall be printed on only one side.
- The hard copies must be identical to the soft copy, else, disqualification would ensue.
- Apart from the team code, the memorials shall not contain any other identification mark.
- The teams are allowed to submit the copies of the compendium to the bench during the oral rounds.

# FORMAT OF MEMORIAL

The memorial submission must have the following pages only:

1. Cover Page
2. Table of Contents
3. Index of Authorities
4. List of Abbreviations
5. Statement of Jurisdiction
6. Statement of Facts
7. Issues Raised
8. Summary of Arguments
9. Pleadings/Arguments Advanced
10. Prayer

The COVER PAGE must be **BLUE** for Petitioner and **RED** for Respondent.

The cover page must contain only the following particulars:

- Team code in the upper right-hand corner,
- Name and Year of the competition,
- Name of the court,
- Case title.

Side of the memorial: Memorial filed on Behalf of Petitioner/Respondent

## **NOTE:**

Memorial shall be typed on A4 size page in:

- Font Type: Times New Roman
- Font Size: 14 (for headings), 12 (for main body), 10 (for footnotes)
- Line Spacing: 1.5
- Footnotes: Single spacing between lines
- Margin: 1 inch on each side
- Number of pages: 30 (maximum)
- For citation: Indian Law Institute edition must be followed.

## **EXCHANGE OF MEMORIALS:**

Exchange of memorials based on draw of lots will be done on 2nd May, 2025



- The Competition shall consist of two preliminary rounds, a quarter final round, a semi final round and the final round.
- The oral pleadings will be conducted in English only.
- Use of any electronic gadgets is not permitted during the course of oral pleadings.

## **PRELIMINARY ROUNDS (Round 1 and Round 2) :**

- The Preliminary Rounds 1 & 2 will be conducted on 2<sup>nd</sup> May, 2025.
- Each team shall appear in two Preliminary Rounds. They shall have to argue as the Petitioner and Respondent once each. No two teams shall face each other more than once in the preliminary rounds.
- The match-up of teams for the Preliminary Rounds shall be determined on the basis of Draw of Lots.
- There shall be exchange of memorials for all the rounds.
- Each team shall be allotted a total of 20 minutes to present their oral arguments;
- The timing can be divided between both the speakers according to the wish of the team subject to a maximum of 12 minutes and minimum of 8 minutes per speaker;
- The time division has to be informed to the Court Master before the beginning of the oral arguments.
- A maximum of 5 minutes may be reserved for rebuttals or sur-rebuttals which shall be at the discretion of the judge.
- The total marks of the preliminary rounds shall be the sum total of the marks of both the preliminary rounds.
- The Top 8 teams with highest aggregate marks inclusive of speakers score and memorial score in round 1 and round 2, shall qualify for the quarter finals.
- If there is a tie in preliminary round, the team with highest memorial marks shall qualify.

## QUARTER-FINAL ROUND:

- The Quarter Final will be held on 3<sup>rd</sup> May, 2025.
- The top eight (8) teams that proceed to the Quarter Final Round shall argue only once for the side allotted by a draw of lots.
- Each team shall be allotted a total of 20 minutes to present their oral arguments;
- The timing can be divided between both the speakers according to the wish of the team subject to a maximum of 12 minutes and minimum of 8 minutes per speaker;
- The time division has to be informed to the Court Master before the beginning of the oral arguments.
- A maximum of 5 minutes may be reserved for rebuttal or sur-rebuttal which shall be at the discretion of the judge.
- The team with the higher aggregate speaker scores (including the rebuttal scores) shall win that round.
- Top 4 teams shall qualify for the Semi Finals.
- In case of tie, the team with the highest score in the memorial of the side in which they are appearing (Petitioner or Respondent) shall be counted. Team with highest marks shall proceed to the Semi-Final Round.

## SEMI-FINAL ROUND:

- The four winning Teams from the Quarter-final Round shall advance to the Semi-final Round, to be held on 3<sup>rd</sup> May, 2025.
- The top four (4) teams that proceed to the Semi Final Round shall argue from only one side to be decided on the basis of Draw of Lots.
- The rules in the semi-finals shall be same as that of the quarter-finals.
- Top 2 teams with highest speaker scores shall qualify for the Finals.
- If there is a tie in quarter final round, the team with highest memorial marks shall qualify.



## FINAL ROUND:

- The two (2) winning teams from the semi-final round will advance to the final round, to be held on 3<sup>rd</sup> May, 2025.
- The participants shall argue from only one side to be decided on the basis of Draw of Lots.
- The final round shall consist of 30 minutes per team and 6 minutes shall be given for rebuttal or sur-rebuttal, subject to discretion of the Judges.
- The time division has to be informed to the Court Master before the beginning of the oral arguments.
- The team which wins the Final Round shall be declared as the 'Winning Team'.
- The other team shall be declared as the 'Runner-Up Team'.
- If there is a tie in the final round, the team with highest memorial marks will be declared as the winner.

# MISCELLANEOUS

- No participating team, any of its members or anyone connected with any team will be allowed to observe or listen the arguments in any courtroom where their team is not competing.
- Violation of this rule may lead to strict disciplinary action, including possible disqualification from the competition.
- The organizers reserve the right to take appropriate action against any unethical, unprofessional or immoral conduct.
- Any dispute regarding the interpretation of the rules or matters not explicitly covered in the competition guidelines shall be resolved by the organizers. the decision of the organizers will be final and binding.
- The organizers reserve the right to modify or amend the rules if necessary for the smooth conduct of the event.
- The HIMCAPES campus upholds a strict non-smoking and alcohol-free policy, with all related activities strictly prohibited within its premises. Any individual found engaging in such activities will face immediate disciplinary action or disqualification.



## MARKING CRITERIA FOR ORAL PLEADINGS

The Oral Pleading Sessions will be marked on a scale of 100 marks per judge as per the following criteria:

S. No.	MARKING CRITERIA	MAX. MARKS
1	Knowledge of Law & Facts	10
2	Appreciation & Application of facts	10
3	Interpretation & Application of legal principles	10
4	Use of Authorities & Precedents	10
5	Presentation & Argumentation Skills	10
6	Clarity of thoughts & logical structure of Arguments	10
7	Responsiveness to Court Questions	10
8	Courtroom Etiquette	10
9	Strategy & Time Management	10
10	Reference to Memorial in the course of Oral Pleadings	10
TOTAL		100 Marks

## MARKING CRITERIA FOR MEMORIAL

The Memorials will be marked on a scale of 100 marks as per the following criteria:

S. No.	MARKING CRITERIA	MAX. MARKS
1	Knowledge of Law & Facts	20
2	Proper & Articulate Analysis	20
3	Clarity of Thought & Originality	20
4	Use & Extent of Research	15
5	Grammar, Structure & Language	15
6	Correct format & Citation	10
TOTAL		100 Marks

# ACCOMMODATION, FOOD & CONVEYANCE

## ACCOMMODATION

- Accommodation will be provided to the participants by the Institute.
- The team members will be provided accommodation from 2:00 PM on 1<sup>st</sup> May, 2025 until 12:00PM on 4th May, 2025.
- Early arrivals or extended stays must be self-funded by participants.
- Accommodation & Travel Form must be submitted via the Registration Form Link (Refer Page no. 9 of this brochure) by 22nd April 2025.

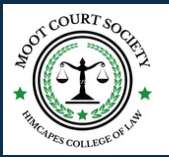
## FOOD

- Following meals shall be provided to all participating teams:  
2nd May, 2025- Breakfast, Lunch, High Tea & Dinner  
3rd May, 2025- Breakfast, Lunch, High Tea & Dinner

## CONVEYANCE

- To and fro transportation between the place of accommodation and the college premises will be arranged by the Institute.
- Participants are responsible for handling their own baggage.

**Note:** No Internet/WiFi Access will be provided at the Institute or at the place of accommodation.



# IMPORTANT DATES

EVENTS	DATES
Registration Open date	5th April, 2025
Last Date for Soft Copy Registration (Registration Form & Travel & Accommodation Form)	22nd April, 2025
Last Date for Submission of Soft copy of Memorial	25th April, 2025
Last Date for Submission of Hard copy of Memorial	27th April, 2025
Inauguration, Draw of Lots, Preliminary Rounds	2nd May, 2025
Quarter final, Semi-Final, Final Round and Valedictory	3rd May, 2025



# AWARDS

**WINNERS**

**Rs. 20,000/- with  
Trophy & Certificates**

**RUNNER-UP**

**Rs. 10,000/- with  
Trophy & Certificates**

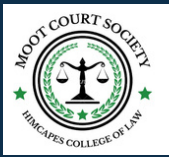
**BEST SPEAKER**

**Rs. 5,000/- with  
Trophy & Certificates**

**BEST MEMORIAL**

**Rs. 5,000/- with  
Trophy & Certificates**

**Certificate of Participation to all the Participants.**



# BOARD OF MEMBERS

## CHIEF PATRON

Prof. (Dr.) Rajinder Verma  
Pro-VC & Dean & Chairman  
Department of Law, HP University, Shimla

## PATRON

Prof. Raghuvinder Singh,  
Former Dean & Chairman,  
Department of Law, HP University, Shimla

## CHAIRPERSON, ORGANIZING COMMITTEE

Mr. Vikramjeet Singh  
Chairman, HIMCAPES

## EXECUTIVE DIRECTOR

Dr. Jaswant Singh  
Principal, HIMCAPES College of Law

## FACULTY CONVENOR

Dr. Ekta Sood  
Assistant Professor of Law

## FACULTY CO-CONVENOR

Dr. Sandeep Kumari  
Assistant Professor of Law

## STUDENT CONVENOR

Kunwar Vanshdeep Singh	+91 62394 93262
Anchal Beetan	+91 90150 46852
Akash Sharda	+91 8580 672809
Radhika Sharma	+ 91 98828 27367

## ORGANIZING COMMITTEE

Rajan Jaswal	Abhishek
Anu Kumar Kaushal	Sohrab
Arsh Kumar Kesri	Kareena Cholia
Kushal Kumar	Kamna
Ranju Bala	Navjot
Ishita Sharma	Vanshika
Pooja	

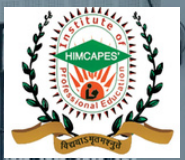
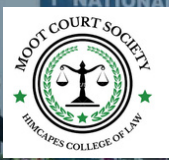
# MOOT PROPOSITION

## **TITLE: Subhash Mittal v. State & Anr.**

### **Factual Background:**

The present case revolves around the matrimonial dispute between Subhash Mittal, a 42-year-old established businessman running a successful manufacturing unit in Delhi, and Priya Mittal, a 38-year-old economics postgraduate from Delhi University who had been a professor since their arranged marriage in 2013. The marital discord began surfacing in the initial years itself when Priya expressed her desire to pursue an academic career, which Subhash strongly opposed, insisting that her primary responsibility lay in managing household affairs and raising their children according to traditional family values. Priya alleging persistent emotional neglect, financial domination, and complete lack of spousal support, while Subhash maintained that Priya was becoming increasingly unreasonable in her expectations and unwilling to adapt to family norms. In her FIR, Priya further alleged that there was a demand of dowry to the tune of Rs. 10 lakhs from Subhash and his family, and she claimed she was physically assaulted by her husband and in-laws, escalating the severity of her accusations.

The legal battle commenced in 2021 when Priya, feeling trapped in what she described as an oppressive marital environment, initiated multiple legal proceedings against Subhash. These included a criminal case under Section 498A of the Indian Penal Code alleging cruelty and harassment, a comprehensive petition under the Protection of Women from Domestic Violence Act, 2005 seeking various reliefs including protection, residence, and monetary compensation, and a separate application under Section 125 of the Criminal Procedure Code claiming maintenance on grounds of alleged financial abandonment. Subhash vehemently contested all these cases, maintaining that they were completely baseless, motivated by extraneous considerations, and filed with the ulterior motive of extracting financial concessions through legal coercion and he demanded for restitution of conjugal rights. Despite his persistent challenges and appeals, the lower courts consistently granted interim reliefs in Priya's Favor at various stages as they are not living together since heated debates, citing prima facie merit in her contentions and the need to protect women's rights in matrimonial disputes.



By 2023, the cumulative effect of this prolonged and multi-faceted litigation began taking a severe toll on Subhash's professional and personal life. The substantial legal expenses coupled with the recurring maintenance payments ordered by the courts started crippling his business operations. Simultaneously, the social stigma attached to the criminal allegations under Section 498A IPC caused irreparable damage to his professional reputation, leading to the loss of several valuable business contracts and partnerships. Medical records from this period conclusively establish that Subhash was undergoing treatment for severe anxiety disorders, chronic hypertension, and acute insomnia under psychiatric care, with doctors explicitly attributing these conditions to the extreme stress caused by the ongoing legal battles.

In August 2024, determined to clear his name and put an end to what he perceived as systematic legal harassment, Subhash approached the Delhi High Court by filing a comprehensive petition under Section 528 of BNSS (482 of Crpc) seeking quashing of the FIR registered under Section 498A IPC, along with connected criminal proceedings. The petition also challenged the validity and quantum of maintenance orders passed under Section 125 CrPC and the Domestic Violence Act. His primary contention was that the entire legal process was being weaponized against him through frivolous litigation, causing irreparable damage to his financial stability, mental well-being, and social standing.

### **Subhash Mittal's Side (Petitioners' Claims):**

Subhash's legal team presented a multi-pronged argument before the High Court, systematically challenging the validity of the cases initiated against him. Their primary submission was that all legal proceedings were maliciously instituted with the sole intention of extracting unjust financial benefits and harassing him through the judicial process. They emphasized the conspicuous absence of any prior complaints or reports of domestic issues during the initial seven years of marriage, arguing that the allegations suddenly surfaced only after the marital discord became irreconcilable, which strongly suggested an afterthought and fabrication of claims.

The defence team produced multiple witness statements from family members, domestic helpers, and close friends that categorically contradicted Priya's allegations of abuse and mistreatment. These testimonies collectively painted a picture of a normal marital relationship where typical disagreements existed but no instance of cruelty or harassment as alleged. Particular emphasis was placed on demonstrating that the quantum of maintenance awarded under Section 125 CrPC was grossly disproportionate to Subhash's actual income and financial capacity, especially considering the significant downturn in his business fortunes caused directly by the litigation expenses and attached properties.

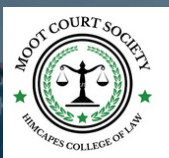


Detailed financial records, including audited balance sheets, bank statements, and tax returns were submitted to establish that the cumulative effect of maintenance orders and legal costs was pushing Subhash towards insolvency. Medical documentation from renowned psychiatrists was presented to prove the severe psychological impact of the legal battle, including clinical depression and various stress-induced physical ailments. The defence heavily relied on Supreme Court precedents like *Arnesh Kumar v. State of Bihar* to argue that the FIR deserved to be quashed to prevent blatant misuse of the legal process and protect innocent individuals from being ensnared in frivolous criminal cases that could destroy their lives and livelihoods.

### **Priya Mittal's Side (Respondent's Defense):**

Priya's legal team mounted a robust defence, systematically countering each of Subhash's allegations while justifying the necessity of the legal actions taken by her. They maintained that all complaints were filed as a last resort after enduring nearly a decade of systematic emotional neglect and financial subjugation in the marriage. The defence presented a compelling collection of contemporaneous evidence including detailed personal diary entries, private medical records, and archived text messages that allegedly demonstrated a consistent pattern of controlling behaviour and emotional abuse by Subhash. Additionally, Priya's FIR included specific allegations that Subhash and his family demanded dowry amounting to Rs. 10 lakhs, and she claimed she was physically assaulted by her husband and in-laws, further substantiating her claims of cruelty and harassment.

A significant portion of their argument focused on establishing those multiple judicial forums had already applied their mind to the facts and found sufficient *prima facie* merit in Priya's cases to grant various interim reliefs, which should not be lightly interfered with at this stage. They strongly contested Subhash's claims of financial distress, producing documentary evidence suggesting concealment of assets and underreporting of income. The defence team painstakingly analysed Subhash's business records to demonstrate that he maintained substantial financial resources and the claimed downturn was either temporary or deliberately engineered to avoid maintenance obligations.



Regarding the mental health aspect, while acknowledging Subhash's psychiatric treatment records, Priya's counsel argued that these conditions could not be automatically attributed to the legal proceedings. They suggested alternative explanations including pre-existing tendencies and inability to cope with marital responsibilities. The defence strongly emphasized that a woman's constitutional right to access legal remedies for genuine grievances—such as dowry demands and physical assault could not be curtailed merely because the respondent found the process inconvenient or stressful, as this would set a dangerous precedent undermining the protective framework of matrimonial laws.

### **Legal Proceedings Before the Supreme Court:**

The Delhi High Court is presently seized with several critical issues that require careful judicial consideration. The primary matter is the petition under Section 528 BNSS (482 of Crpc) seeking quashing of the FIR registered under Section 498A IPC and all connected criminal proceedings. The court must determine whether the allegations in the FIR prima facie disclose any cognizable offense or whether they represent a clear case of legal process being abused for oblique motives. This requires delicate balancing between preventing misuse of criminal law in matrimonial disputes while ensuring genuine victims are not denied access to justice.

Simultaneously, the court is examining the challenge to the maintenance orders passed under Section 125 CrPC and the Domestic Violence Act. This involves assessing whether the quantum of maintenance awarded was reasonably proportionate to Subhash's actual financial capacity after proper verification of his income sources and assets. The court must consider whether the lower courts adequately applied the principles of "ability to pay" versus "needs of the claimant" while determining the maintenance amounts.

Another significant aspect before the court is determining whether the multiplicity of legal proceedings initiated by Priya - the 498A case, Domestic Violence petition, and maintenance application - collectively amount to an abuse of the judicial process causing undue harassment. This requires examining whether these were legitimate exercises of legal rights or whether they crossed the line into vexatious litigation. The court is also actively considering whether this matter should be referred to mediation or other alternative dispute resolution mechanisms, given the acrimonious nature of the litigation and the presence of minor children whose welfare must be prioritized.



## ISSUES FOR CONSIDERATION

1. Whether the FIR under Section 498A IPC and related proceedings should be quashed under Section 528 of BNSS (482 of CrPC), alleging abuse of process or not?
2. Whether the maintenance order under Section 125 CrPC is disproportionate to Subhash Mittal's actual financial capacity, and whether it violates his rights under Article 21 of the Indian Constitution or not?
3. Whether restitution of conjugal rights should be granted to Subhash Mittal or not?
4. Whether the institution of multiple legal proceedings for maintenance and domestic violence by Priya Mittal constitutes vexatious litigation, warranting intervention by the High Court to prevent misuse of protective matrimonial laws or not?



**ADDRESS:**

HIMCAPES College of Law, Badhera, Tehsil Haroli, Distt Una, Himachal Pradesh-177209

**GOOGLE MAPS LOCATION:**

<https://maps.app.goo.gl/44GVw3JfkKeS9beq7>

- 137 KM from Shaheed Bhagat Singh International Airport, Chandigarh, Punjab 140306
- 111 KM from Kangra Airport, Gaggal, Kangra, Himachal Pradesh 176209
- 10KM from ISBT UNA, 174303
- 14KM from Railway Station Una

**Note:** Transport facility will be arranged by the Institute from Railway Station Una or ISBT Una, Himachal Pradesh to the place of accommodation & to the venue of the competition(HIMCAPES College of Law).





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## REGISTRATION FORM

(TO BE WRITTEN IN BLOCK LETTERS)

**DATE:**

**Name and Address of the participating Institution:** \_\_\_\_\_

**Contact No:** \_\_\_\_\_ **Email ID** \_\_\_\_\_

**SPEAKER 1:**

**Name** \_\_\_\_\_

**Gender** \_\_\_\_\_

**Contact No.** \_\_\_\_\_

**Email ID** \_\_\_\_\_

**Year/Semester** \_\_\_\_\_ **Sign** \_\_\_\_\_

(PHOTOGRAPH)

**SPEAKER 2:**

**Name** \_\_\_\_\_

**Gender** \_\_\_\_\_

**Contact No.** \_\_\_\_\_

**Email ID** \_\_\_\_\_

**Year/Semester** \_\_\_\_\_ **Sign** \_\_\_\_\_

(PHOTOGRAPH)

**RESEARCHER:**

**Name** \_\_\_\_\_

**Gender** \_\_\_\_\_

**Contact No.** \_\_\_\_\_

**Email ID** \_\_\_\_\_

**Year/Semester** \_\_\_\_\_ **Sign** \_\_\_\_\_

(PHOTOGRAPH)

**Team's primary Email ID:**

**Telephone Number for communication:**

**Seal and Signature  
Head of the Institution**





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## TRAVEL & ACCOMODATION FORM

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TEAM CODE:

Name and Address of the participating Institution: \_\_\_\_\_

Contact No: \_\_\_\_\_ Email ID: \_\_\_\_\_

### ARRIVAL DETAILS

Name of the Participants	Date	Time	Mode	Details

### DEPARTURE DETAILS

Name of the Participants	Date	Time	Mode	Details

### ACCOMODATION DETAILS

Accommodation facility required: ☐ Yes ☐ No

If yes, then:

Number of Male Members: \_\_\_\_\_

Number of female Members: \_\_\_\_\_

Seal and Signature  
Head of the Institution