



2026:AHC:54554

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10408 of 2026

Vikas Verma And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shresth Pratap Singh, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DEEPAK VERMA, J.

1. Heard Smt. Archana Singh, learned Senior Advocate assisted by Sri Shresth Pratap Singh, learned counsel for the applicants; learned A.G.A. for the State and perused the record.
2. Present application has been filed to quash the entire proceedings of Case No. 2305 of 2025 (Monika Saraf Vs. Vishal Verma & Ors.) under Section 12 of the Protection of Women from Domestic Violence Act, 2005, pending in the Court of the learned Civil Judge (Junior Division), FTC 3rd, Ballia.
3. Counsel for the applicants submits that applicants are brother-in-law and sister-in-law of opposite party no. 2 having no concern with the alleged offence. The opposite party no. 2 instituted proceedings under Section 12 of Domestic Violence Act, 2005 against the applicants. The allegation alleged in the complaint is malicious. All persons have been summoned in the present case. The notices issued against the applicants under Section 12 D.V. Act is illegal, arbitrary and abuse of the process of the Court. The order impugned is liable to be set aside.
4. Learned A.G.A. opposed the prayer for quashing of the proceedings of the case.
5. On perusal of the order impugned, prima facie issuance of notice is just and proper. No interference is warranted by this Court.

6. The Hon. Apex Court in Crl. Appeal No.2688 of 2025 in **Shaurabh Kumar Tripathi Vs. Vidhi Rawal** reported in 2025 SCC OnLine SC 1158 has held thus:

"35. When it comes to exercise of power under Section 482 of the CrPC in relation to application under Section 12(1), the High Court has to keep in mind the fact that the DV Act, 2005 is a welfare legislation specially enacted to give justice to those women who suffer from domestic violence and for preventing acts of domestic violence. Therefore, while exercising jurisdiction under Section 482 of the CrPC for quashing proceedings under Section 12(1), the High Court should be very slow and circumspect. Interference can be made only when the case is clearly of gross illegality or gross abuse of the process of law. Generally, the High Court must adopt a hands-off approach while dealing with proceedings under Section 482 for quashing an application under Section 12(1). Unless the High Courts show restraint in the exercise of jurisdiction under Section 482 of the CrPC while dealing with a prayer for quashing the proceedings under the DV Act, 2005, the very object of enacting the DV Act, 2005, will be defeated.

36. We must also note here that against an order passed by a learned Magistrate, there is an appeal provided under Section 29 to the Court of Session. In contrast, generally, there is no remedy of appeal available against an order taking cognizance of an offence or an order issuing process. This is another reason why the High Court should exercise caution when exercising its inherent jurisdiction to quash proceedings under Section 12 of the D.V. Act, 2005.

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39. To conclude, the view taken in the impugned order of the High Court that a petition under Section 482 of the CrPC for challenging the proceedings emanating from Section 12(1) of the DV Act, 2005 is not maintainable, is not the correct view. We hold that High Courts can exercise power under Section 482 of CrPC (Section 528 of the BNSS) for quashing the proceedings emanating from the application under Section 12(1) of the DV Act, 2005, pending before the Court of the learned Magistrate. However, considering the object of the DV Act, 2005, the High Courts should exercise caution and circumspection when dealing with an application under Section 12(1). Normally, interference under Section 482 is warranted only in the case of gross illegality or injustice".

7. Upon consideration of the submission and perusal of the record, it is evident that the proceedings under Section 12 of the D.V.Act are quasi civil and criminal in nature, wherein only notice is required to be issued. In present case, learned Magistrate has issued notice to the applicants against which applicants has filed present application. The applicants have an efficacious alternative remedy of filing objection before the

competent court. In view of the Apex Court judgement cited above, the court is not inclined to interfere with the proceedings challenged herein.

8. However, if the applicant files objection/counter affidavit before the concerned Magistrate within a period of two months, the same shall be decided as expeditiously as possible, in accordance with law.

9. The application is disposed of.

(Deepak Verma,J.)

March 17, 2026

Meenu Singh