



2026:AHC:57946

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10969 of 2026

Kasim Khan And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dhananjay Pundir
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.
2. The present 528 B.N.S.S. application has been filed to quash the entire proceedings of Complaint Case No.433 of 2025 (Smt. Nadira Bee Vs. Umran Khan & others), under Section 12 of the Protection of Women from Domestic Violence Act, 2005, Police Station Civil Lines, District Rampur, pending in the court of learned Additional Civil Judge (Junior Division), FTC, CAW, Rampur.
3. The instant petition has filed to challenge the proceedings initiated by opposite party no.2 under Section 12 of the Protection of Women from Domestic Violence Act, 2005. Applicants are in-laws of the opposite party no.2 and married of the opposite party no.2 was solemnized in the year 2024. The opposite party no.2 lodged the present proceedings against the applicants.
4. Learned counsel for the applicants submits that the applicants are in-laws of the opposite party no.2 and have no concern with the prayer made in the application under Section 12 of Domestic Violence Act and learned Magistrate without applying judicial mind took cognizance and issued summons against the applicants.
5. Per contra, learned A.G.A. has opposed the prayer and submitted that the complaint lodged by the opposite party no.2 as well as prayer made in

the application and objection raised by opposite party no.2 are required examination, which cannot be done. The present petition has filed against notice issued to the applicants by the learned Magistrate after receiving complaint.

6. The applicants has remedy to file objection before the trial court. The prayer for quashing the notice issued by the learned Magistrate in proceedings initiated by the opposite party no.2 under Section 12 of Domestic Violence Act, is premature and the applicants have remedy to file objection before the court concerned. The Act itself provides aggrieved party to file complaint against the persons to get relief. The learned Magistrate in the present case has been issued notice against the applicants after receiving complaint.

7. The Hon'ble Apex Court in **Shaurabh Kumar Tripathi Vs. Vidhi Rawal reported in 2025 SCC Online 1158**. The relevant paragraphs nos. 35 and 36 are quoted herein below:-

" 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 cognisance 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."

8. The court concerned shall decide and pass appropriate order after hearing the parties, expeditiously as possible.

9. With the aforesaid observation, the application under Section 528 of B.N.S.S. is **disposed of**.

(Deepak Verma,J.)

March 19, 2026
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