

| SL. No | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGES'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|        |      |                                                                                                  | <p>C482 No. 1692of 2023</p> <p><u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Pranav Singh, the learned counsel for the applicant.</p> <p>Mr. V.K. Gemini, the learned Dy. A.G. for the State.</p> <p>Heard.</p> <p>In an application, filed under Section 12 of the Prevention of Women from Domestic Violence Act (hereinafter referred to as the Act), by the respondent, which was registered as Miscellaneous Case No. 53 of 2023, Smt. Gulshan Kumari vs. Smt. Rekha Girdhar, in para 8 she has admitted that, in fact, since 2014 she is not residing together, if that be the situation, the order passed under Section 23 by the Additional Senior Civil Judge/Additional CJM, Roorkee, District Haridwar, in the aforesaid Miscellaneous Case, whereby the following directions have been issued:</p> <p>“प्रार्थिया पत्र का प्रार्थना धारा 23 घरेलू हिंसा से महिलाओं का संरक्षण अधिनियम 2005 प्रत्यर्थी श्रीमती रेखा गिरधर के विरुद्ध एकपक्षीय रूप से स्वीकार किया जाता है। प्रत्यर्थी को उक्त अधिनियम की धारा 18 के अन्तर्गत प्रार्थनी श्रीमती गुलशन कुमारी के साथ घरेलू हिंसा के किसी कार्य को करने तथा घरेलू हिंसा के कार्यों को कारित करने में सहायता एवं दुष्प्रेरित करने एवं व्यक्तिगत मौखिक अथवा लिखित एवं दूरभाषीय सम्पर्क करने से प्रतिषिद्ध किया जाता है।</p> <p>उक्त अधिनियम की धारा 19 के अन्तर्गत प्रत्यर्थी को प्रार्थनी के शान्तिपूर्वक निवास में कोई व्यवधान या बाधा डालने तथा प्रत्यर्थी को प्रार्थनी के निवास स्थान प्रवेश करनेसे निषिद्ध किया जाता है।</p> <p>इस आदेश की एक प्रति प्रार्थिया को निःशुल्क प्रदान की जाये तथा एक-एक प्रति संरक्षण व सम्बन्धित थाने के भारसाधक अधिकारी को अनुपालनार्थ प्रेषित की जाये।”</p> <p>In fact, it will not at all prejudice the present applicant at all. But only infatuation the applicant has drawn from the order is that this order as passed on 24.03.2023, may affect the proceedings which have carried under Section 12 of the Act, before the competent court at</p> |

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|  |  |  | <p>Saharanpur.</p> <p>While closing this 482 petition, it is hereby made clear that the impugned order dated 24.03.2023, would be exclusively confined for the purposes of Case No. 53 of 2023 itself, and the finding recorded thereto should not be borrowed for the purpose of collateral proceedings drawn before any other court under Section 12 of the Act.</p> <p>Subject to the above, the C482 petition stands closed.</p> <p>After having concluded the judgment, the counsel for the applicant has prayed that the proceedings under Section 12 registered as Misc. Case No. 53 of 2023, which is pending consideration in the Court of Additional Senior Civil Judge/Additional Chief Judicial Magistrate, Roorkee, may be directed to be expedited.</p> <p>Without expressing any opinion on the merits of the case, the Additional Senior Civil Judge/Additional Chief Judicial, Magistrate, Roorkee is requested to decide the aforesaid case as expeditiously as possible, but not later than four months from the date of production of certified copy of this order.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.)<br/>23.08.2023</p> <p>PV</p> |
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