

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36064 of 2023

Applicant :- Smt. Durgawati Devi

Opposite Party :- State Of U.P. And 5 Others

Counsel for Applicant :- Anurag Mishra, Durgesh Chandra Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Anurag Mishra, learned counsel for the applicant and Sri Anish Kr. Upadhyay, learned A.G.A. for the State.

2. The present application has been filed for directing the Judicial Magistrate-I, Allahabad to conclude and decide the trial of Complaint Case No. 191 of 2018 (*Smt. Durgawati Devi vs. Deepak Kumar & others*), arising out of summoning order dated 13.8.2018, u/s 12 Protection of Women from Domestic Violence Act (hereinafter referred to Domestic Violence Act), P.S. Tharwai, District Allahabad, withing stipulated period.

3. Contention of learned counsel for the applicant is that complaint case of the applicant u/s 12 Domestic Violence Act has been pending since 2018, but till date it has not been decided. As per Section 12(5) of the Domestic Violence Act, it is provided that the Magistrate shall endeavour to dispose of every application made under this Section within a period of 60 days from the date of its first hearing. Section 12(4) and 12(5) of Domestic Violence Act are being quoted below:-

"12(4). The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

12(5). The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing."

4. In view of the above, there is a statutory mandate to decide the complaint u/s 12 of Domestic Violence Act within a period of 60 days from the date of its first hearing.

5. Accordingly, the Judicial Magistrate-I, Allahabad is directed to conclude the trial of the Complaint Case No. 191 of 2018 (*Smt. Durgawati Devi vs. Deepak Kumar & others*), arising out of summoning order dated 13.8.2018, u/s 12 of Domestic Violence Act, P.S. Tharwai, District Allahabad, expeditiously preferably within a period of 90 days from the date of receipt of copy of this order.

6. With the aforesaid direction, the application is **disposed of**.

Order Date :- 2.11.2023

Vandana