

Court No. - 90

Case :- APPLICATION U/S 482 No. - 41770 of 2023

Applicant :- Rinki Rai

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

Counsel for Applicant :- Omkar Nath Rai

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant and the learned A.G.A.
2. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. beseeching expeditious disposal of Execution Case No.3537 of 2017 (Rinki vs. Ram Charan) under Section 31 of Protection of Women from Domestic Violence Act, 2005 (in brevity D.V. Act), Police Station Jhangaha, District Gorakhpur.
3. It is submitted by learned counsel for the applicant that proceeding under Section 12 of D.V. Act filed on behalf of the applicant has been decided vide order dated 08.09.2017 (Annexure-2). In pursuance thereof, the applicant has moved an application under Section 31 of the D.V. Act which is pending since the date of its filing i.e. 17.10.2017. It is further submitted that till date respondents have not appeared, despite sufficient service of notice which is causing harassment and oppression to the present applicant, therefore, direction may be issued to the court concerned for expeditious disposal of the aforesaid execution case.
4. Learned A.G.A. has no objection, if a direction is issued to the court concerned to decide the aforesaid case at the earliest.
5. In this conspectus, as above, no useful purpose would be served to keep this matter pending. Therefore, this court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case, as mentioned in the application, with a direction to the learned court concerned to decide the Execution Case No.3537 of 2017 (Rinki vs. Ram Charan) under Section 31 of the D.V. Act, Police Station Jhangaha, District Gorakhpur, strictly in accordance with law by means of a reasoned and speaking order, expeditiously, preferably, within a

period of six months from the date of production of certified copy of this order. Learned court concerned is expected to take stringent steps, as provided under the law, to ensure presence of the accused (private respondents) so that matter may be decided within the stipulated period, as directed above.

6. With the aforesaid direction, this petition is finally disposed off.

Order Date :- 6.12.2023

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