

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42727 of 2023

Applicant :- Kajal

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

Counsel for Applicant :- Syed Mohammed Jafer
Husain, Mohammad Husain

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Mr. Syed Mohammed Jafer Husain, learned counsel for the applicant and Sri Ramesh Kumar, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking a direction for expeditious hearing of complaint Case No.46 of 2021 (Kajal vs. Rajesh and Others) u/S 12 of the Protection of Women under the Domestic Violence Act, 2005 (hereinafter referred as '*the Domestic Violence Act*'), P.S.- Malwan, District- Fatehpur, pending in the Civil Judge (J.D.)/F.T.C. (Crime Against Women), Fatehpur.

3. Learned counsel for the applicant submits that the instant complaint case u/S 12 of the Domestic Violence Act, was filed by the applicant herein on 05.01.2021 and vide order dated 01.11.2022, since the opposite party no.2 despite appearance failed to file his reply, his right to file the reply was closed and proceedings were started *ex-parte* against the opposite party no.2. Subsequently, thereto, the *ex-parte* evidence has been submitted by the applicant and the matter is pending for *ex-parte* arguments. However, the matter was being adjourned without any reasons on many occasions by the learned Magistrate. Learned counsel for the applicant further submits that the proceedings u/S 12 of the Domestic Violence Act, are of urgent nature, which require immediate support to the victim. However, since more than three years have passed and the matter is not progressing and as per the Domestic Violence Act, the proceedings u/S 12 of the Domestic Violence Act, are required to be concluded within a period of 60 days, in terms of Sub-section (5) of Section 12 of the Domestic Violence Act. Therefore, learned counsel for the applicant has prayed for a direction for expeditious disposal of the said case where only the *ex-parte* arguments, on behalf of the applicant, are to be heard.

4. Looking at the facts and circumstances of the instant case, learned counsel for the State do not oppose to the prayer made for expeditious disposal of the said complaint case by the applicant.

5. Having heard the submissions made by learned counsels for the parties and considering the facts and circumstances of the case specifically, the provisions of Sub-section (5) of Section 12 of the Domestic Violence Act, the instant application is ***disposed of*** with a direction to the concerned trial court to dispose of the Complaint Case No. 46 of 2021, in accordance with law, within a period of 60 days from the date of production of the certified copy of this order.

Order Date :- 6.12.2023

Shubham Arya