

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CRM(M) 620/2025 CrIM(1531/2025)

Parveez Ahmad Radhu

... Petitioner/Appellant(s)

Through: M/s. Faisal Jan, Tajamul ul Islam, Advocates

V/s

Rifat Nabi

... Respondent(s)

Through: None

CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER
13-10-2025

1. In the instant petition the petitioner has invoked inherent power of this court enshrined in section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking quashing of order dated 16.12.2024 passed by the court of Chief Judicial Magistrate, Sopore (hereinafter referred to as "the trial court") and order dated 24.09.2025 passed by Additional District and Sessions Judge, Sopore (hereinafter referred to as "the appellate court") in cases titled as "Rifat Nabi vs Parveez Ahmad Radhu" and "Parveez Ahmad Radhu vs Rifat Nabi" respectively.
2. The facts emerging from the record would reveal that the respondent herein had maintained a petition under Section 12 of the Protection of Women from Domestic Violence Act 2005 (for short "the Act") in the trial court against the petitioner herein accompanied with an application for interim relief seeking therein interim maintenance as also payment of medical expenses for her and her minor child born in the marriage

between her and the petitioner herein amounting to Rs.11,000 from the petitioner herein each per month, wherein the trial court in terms of order dated 16.12.2024 after hearing the appearing counsel for the parties directed the payment of maintenance of Rs.11,000 each to the respondent herein and the minor child besides for payment of medical expenses including the arrears and the recurring maintenance without any fail.

3. Dissatisfied with the said order dated 16.12.2024, the petitioner herein being respondent before the trial court, preferred an appeal under section 29 of the Act of 2005 on 15.01.2025 before the appellate court which appeal however came to be dismissed in terms of order dated 24.09.2025 upholding the order of the trial court dated 16.12.2024.
4. The petitioner herein has maintained the instant petition while challenging the impugned orders *inter alia* on the grounds that both the courts below while passing the impugned orders caused miscarriage of justice besides directing payment of excessive amount of maintenance to the claimants, respondent herein and her child, and that the impugned orders besides being arbitrary and oppressive are also unsustainable in law having overlooked the fact that the petitioner is working as a Sales Assistant and not earning handsomely in order to pay the amount of maintenance as directed to be paid by the courts below and that the impugned orders have been passed in hot-haste without application of mind.

Heard counsel for the petitioner and perused the record.

5. Perusal of the record, available on the file in general and the impugned orders in particular would reveal that both the courts below while passing the orders under challenge, have seemingly considered the facts of the case, respective claims made by the parties, as also the provisions of the Act of 2005, inasmuch as the law laid down from time to time by the Apex court in this regard. A closer examination of the impugned orders would tend to show that both the courts have not been oblivious to the facts of the case and the respective pleadings of the parties, and have passed well-reasoned and just orders.
6. Under these circumstances, this court is not inclined to display indulgence and to exercise inherent power, which otherwise, in law, is to be exercised sparingly and in exceptional circumstances, which, however, are missing in the instant case.
7. Resultantly, the petition fails and is **dismissed**, and the impugned orders are upheld.
8. Registry to send a copy of this order to the trial court.

(JAVED IQBAL WANI)
JUDGE

Srinagar
13-10-2025
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