

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

Case:- CRM(M) No. 429/2026
CrIM No. 759/2026

Micheal Petitioner(s)

Through: None.

Vs

Antra Respondent(s)

Through: Mr. Ajay Singh Kotwal, Advocate.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(19.09.2026)

1. The respondent-Mrs. Antra is the wife of the petitioner-Mr. Micheal. Both are stated to be 25 years of age.
2. The respondent, suffering alleged desertion and destitution at the hands of the petitioner, was constrained to approach the Judicial Magistrate 1st Class (Munsiff), Kathua with a petition under the Protection of Women from Domestic Violence Act, 2005 wherein the Judicial Magistrate 1st Class (Munsiff), Kathua, by virtue of an interim order dated **25.10.2023**, admitted the respondent to an interim monthly maintenance of **Rs. 2,000/-** payable from the end of the petitioner.
3. The marriage between the petitioner and the respondent is stated to have taken place on **24.12.2020** in accordance with the Christian rights and ceremonies, but no issue came to be born out of the said marriage.

4. The petitioner came forward with this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking quashment of the case of the respondent purportedly on the plea that the marriage between the petitioner and the respondent was dissolved by Mutual Customary Divorce Deed dated **18.08.2023**, a copy whereof is on record and has the attestation of a notary-Sh. Rajesh Kumar, Jammu City.

5. The petitioner is a resident of Christian Colony, Bakshi Nagar, Jammu whereas the respondent from her parental side is a resident of Peer Baba, Kathua.

6. Whether or not the marriage between the petitioner and the respondent is subsisting or has come to be dissolved by purported Mutual Customary Divorce Deed dated **18.08.2023** or whether dissolution of marriage has taken place as per the law governing the Christian marriage is all within the domain of the Judicial Magistrate 1st Class (Munsiff), Kathua to determine provided the petitioner would have caused his appearance in the case by answering the petition filed by the respondent and seeking indulgence thereof on the basis of the pleas which are intended to be raised herein.

7. This Court cannot be substituted in place of the Judicial Magistrate 1st Class (Munsiff), Kathua at the asking of the petitioner, as such, this petition is held to be misconceived and is dismissed notwithstanding the absence of counsel for the petitioner

considering the fact that inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is not to be held hostage to the appearance of the counsel for the party having come forward invoking the inherent powers of this Court.

8. The petition is, thus, **dismissed** with liberty in favour of the petitioner to submit himself before the Judicial Magistrate 1st Class (Munsiff), Kathua and contest the petition of the respondent on merits including his plea on the very maintainability of the domestic violence petition filed by the respondent.

9. A copy of this order be forwarded to the Judicial Magistrate 1st Class (Munsiff), Kathua for notice and proceeding ahead with the case.



(RAHUL BHARTI)
JUDGE

JAMMU
19.09.2026

Shivalee

Whether the order is speaking
Whether the order is reportable

Yes / No
Yes / No