

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

CM(M) 69/2026

Mohd Ismail Wani & Others

...Petitioner(s)

Through: Mr. Musavir Mir, Advocate

Masarath Gowasy

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

04.03.2026

1. This petition is disposed of at its very inception stage given the innocuous nature of reliefs being prayed for by the petitioners to which they are well within their right to ask for given the fact that they are the respondents in proceedings initiated by the respondent invoking the Protection of Women from Domestic Violence Act, 2005.

2. The respondent came to initiate proceedings under section 12 of the Protection of Women from Domestic Violence Act, 2005 before the Court of

Judicial Magistrate 1st Class, Anantnag which came to be taken on File No. **Cr. Case No: comp/17** date of institution **03.05.2024**.

3. The petitioners, as respondents, have appeared in the said case and submitted their reply/objections to contest the case set up against them.

4. The only effective proceedings worth purpose having so far taken place is passing of order dated **28.10.2025** whereby the Court of Judicial Magistrate 1st Class, Anantnag has come to admit the respondent to interim maintenance and also restraining the petitioners from indulging in any act of domestic violence vis-à-vis the respondent.

5. The petitioners come forth with certified copy of order sheet to demonstrate that except for gathering adjournments the proceedings in the case are not leading towards an intended adjudication to the extent that even the respondent, as a petitioner/complainant, has not come forward to get herself examined as her own witness.

6. Section 28 of the Protection of Women from Domestic Violence Act, 2005 mandates the

proceedings to be governed by the Code of Criminal Procedure, 1973 [now “Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023”] while reserving the power in a given Court in laying down its own procedure for disposal of an application under section 12 or under sub-section (2) of section 23.

7. The petitioners are asking this Court to command the Court of Judicial Magistrate 1st Class, Anantnag to invest due expediency in the adjudication of the matter rather than extending unproductive adjournments on one pretext or the other thereby defeating very purpose of the proceedings the aim of which is obviously to come to the truth of matter, be it in favour of an aggrieved person or the person/s complained against.

8. This Court, therefore, disposes of this petition with a direction to the Court of learned Judicial Magistrate 1st Class, Anantnag to get the witnesses of the respondent examined within a period of next three months i.e., by or before **6th June, 2026** and thereafter to invite the petitioners herein, as respondents, to lead their evidence so as to carry out final adjudication of the petition by **31st July, 2026**.

Any extension of time for completing the adjudication to be solicited by the Presiding Officer of the Court of Judicial Magistrate 1st Class Anantnag by laying a motion to this Court.

9. Disposed of.

10. Copy of this order be forwarded by the Registrar Judicial, Srinagar to the Court of Judicial Magistrate 1st Class, Anantnag for the sake of notice and compliance.

**(RAHUL BHARTI)
JUDGE**

SRINAGAR:

04.03.2026

"Mir Arif"