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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**Decided on: 31<sup>st</sup> July, 2018**

+ CRL.M.C. 1429/2016 and Crl. M.A. 6075/2016

**SHAHNAWAZ AHMED & ANR** ..... Petitioners

Through: Mr. Ajay Saini, Mohd. Unis,  
Mohd. Javed and Mr. Imran Kavial,  
Advocates

versus

**NAHILA BEGUM & ANR** ..... Respondents

Through: Ms. Sana Ansari and MR. I.  
Ahmed, Advocates for R-1  
Ms. Meenakshi Dahiya, APP for the State

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER (ORAL)**

1. The petitioners are brothers of Dilnawaz Ahmed, first respondent being his widow. She is residing in a portion of property bearing no.4902, First floor, Bara Hindu Rao claiming it to be her shared household on account of matrimonial relationship. By a petition under Protection of Women from Domestic Violence Act, 2005 before the Metropolitan Magistrate (case no.92/1/14), she alleges having been subjected to various acts of commission or omission, they constituting domestic violence. She has prayed for various reliefs including restraint order against her possession and enjoyment of the premises in the shared household being interfered and also claiming

compensation for the harassment meted out to her. The Metropolitan Magistrate, by her order dated 07.07.2014, after perusing the domestic information report found a case made out for issuing notice to the petitioner. This order was challenged by the petitioner in the revisional court. But the revision petition was dismissed by order dated 15.12.2015.

2. The petition at hand invokes the jurisdiction under Section 482 Cr. PC to assail the said order of the two courts below.

3. The questions of fact which are raised concerning the petition under Domestic Violence Act, 2005, which is pending consideration before the competent court cannot be addressed by this court in its inherent jurisdiction under Section 482 Cr. PC. The petition is misconceived. The petitioners will have to raise the contentions they urge here before the Metropolitan Magistrate.

4. With these observations, the petition and the application filed therewith are dismissed.

**R.K.GAUBA, J.**

**JULY 31, 2018**

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