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HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 321 of 2021

- Smt. Aayasha Vilasuttarwar W/o Shri Varunchandras Maghani, Aged About 26 Years R/o. B-102, Om Garden, Parijat Extension Bilaspur, Police Station Civil Lines, Tahsil And District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. Varunchandra Maghani S/o Shri Vijendra Maghani Aged About 28 Years R/o. Rahna 304, Kupalya Apartment, Venkantpuram, Alaval, Telangana
2. Smt. Jayalaxmi Maghani D/o Shri Vijendra Maghani Aged About 56 Years R/o. Rahna 304, Kupalya Apartment, Venkantpuram, Alaval, Telangana
3. Vijendra Maghani S/o Harishchandra Maghani, Aged About 59 Years R/o. Rahna 304, Kupalya Apartment, Venkantpuram, Alaval, Telangana
4. Smt. Shrutipurna Maghani, W/o. Namalum, Aged About 55 Years R/o. Rahna 304, Kupalya Apartment, Venkantpuram, Alaval, Telangana

---- Respondents

For Petitioner : Shri K.P.S. Gandhi, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

25.06.2021

1. Learned counsel for the petitioner would submit that she has filed present writ petition (criminal) under Article 226 of the Constitution of India seeking direction to learned Judicial Magistrate First Class, Bilaspur to decide CRI-MJC No. 48/2017 (*Smt. Aayasha Vilasuttarwar vs. Varunchandra Maghani and Others*) within a stipulated time period.
2. The brief facts as projected by the petitioner are that marriage

between the petitioner and respondent No. 1 was solemnized on 18.12.2014 at Hotel Intercity, Bilaspur. Respondent No. 1 demanded cash Rs. 3,60,000/- from the father of the petitioner. The father of the petitioner gave Rs. 3 lakh by cheque in the name of Sharada Traders Krishna Kesharwani and amount of Rs. 60000/- in cash along with other ornament articles to the parents of respondent No. 1. Even after receiving such amount, respondents have harassed the petitioner and treated her with cruelty for demand of dowry.

3. The petitioner being aggrieved with such torturous activities committed by the respondent No. 1 and his family members filed complaint under Section 12 of the Protection of Women From Domestic Violence Act, 2005 before the learned Judicial Magistrate First Class, Bilaspur which is registered as Criminal MJC No. 48/2017. The main contention of the petitioner is that respondent No. 1, husband of the petitioner is harassing her and he is not allowing petitioner to meet the family members of the respondents. Respondent No.1 has also committed unnatural sex with her. The petitioner has informed this fact to her parents and in turn her parents requested respondent No. 3 to resolve dispute between the petitioner and her husband. But no development took place and torture to the petitioner was continued. The petitioner being aggrieved by the act committed by the respondents has filed complaint before the police station, Bilaspur on 28.06.2015. On the strength of the complaint FIR No. 280/2016 for committing offence under Sections 498, 34, IPC, 72 of the I.T. Act and Sections 3, 4 of the Dowry Prohibition Act has

been registered as Cri. MJC No. 48/2017 which is pending before the Judicial Magistrate First Class, Bilaspur.

4. Based on the factual matrix, the petitioner has filed complaint under Section 12 of Protection Of Women From Domestic Violence Act, 2005 before the Judicial Magistrate First Class on 02.05.2017 with prayer that she be granted Rs. 20,00,000/- towards physical and mental torture committed by the respondents and Rs. 25,00,00/- towards spoiling her marital life. It has also been prayed that they be restrained from committing further violence against her. The said case was registered by the learned Judicial Magistrate First Class and notices were issued to the respondents on 27.06.2017. Thereafter, though the respondents have entered appearance in this case before the Judicial Magistrate First Class on 02.12.2017, no effective progress in the trial has taken place, whereas as per Section 12 Sub-section 5 of the Protection Of Women From Domestic Violence Act, 2005, the Magistrate shall endeavour to dispose off the application made by the applicant within 60 days from the date of its filing.
5. Learned counsel for the petitioner would submit that as per provisions of Act, the matter has to be decided within 60 days. It will be in the interest of justice to give specific directions to Judicial Magistrate First Class, Bilaspur to decide Cri-MJC No. 48/2017 within the time period fixed by this Court.
6. This Court cannot lose sight of the fact that not only India but whole world is suffering from COCID-19 since March, 2020 which is still ongoing the functioning of trial Courts is being

adversely affected on account of ongoing pandemic COVID -19 situation.

7. In view of such peculiar circumstances of the case and considering the fact that petitioner's case is pending before the learned Judicial Magistrate First Class, Bilaspur since 02.05.2017, the learned Trial Court is directed to decide the case within six months from the date normal functioning of the Trial Court is restored in the State of Chhattisgarh.
8. With these directions, the Cr.M.P. is finally disposed off.

**Sd-
(Narendra Kumar Vyas)
Judge**

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