Sr. No. 58

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 309/2022
CrlM No. 658/2022

Rakesh Kumar and ors. ….Petitioner(s)/Appellant(s)

Through :- Mr. Qayoom Choudhary, Advocate

V/s

Pooja Devi ….Respondent(s)

Through :- None

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
10.05.2024

1. Learned counsel for the petitioners has submitted that petitioner No. 1 has passed away.

2. Through the medium of the present petition, the petitioners have challenged the petition filed by the respondents under the provisions of Protection of Women from Domestic Violence Act (hereinafter referred to as "D.V Act") as also the order dated 28.03.2022 passed by learned Judicial Magistrate 1st Class, Akhnoor, whereby the petitioner No. 1 has been directed to pay monthly maintenance of Rs. 4,000/- to the respondent.

3. Heard and considered.

4. Since the petitioner No. 1 has died during the pendency of this petition, therefore, the impugned order dated 28.03.2022 has been rendered unexecutable and the petition to that extent has been rendered infuctuous.

5. So far as the petitioner Nos. 2 & 3 are concerned, they happen to be the parents of the petitioner No. 1 and parents-in-law of the respondent. The proceedings under DV Act being quasi criminal in

nature, it is open to the learned Magistrate to drop the proceedings against the petitioners if it is found on the basis of material on record that the continuance of proceedings against the petitioners is not warranted under law. It is also open to the learned Magistrate to revoke its earlier order once the respondent in a petition under DV Act files the objections and succeeds in showing to the learned Magistrate that there is no ground to proceed against them.

6. In view of the above, the petition is disposed of with a liberty to petitioner nos. 2 & 3 to approach the trial Magistrate for filing an application for dropping of proceedings along with the objections to the main petition. If such an application along with objections is filed by petitioner Nos. 2 & 3 before the learned Magistrate, the same shall be considered by the learned Magistrate in accordance with law and decision thereon shall be taken most expeditiously preferably within a period of one month from the date the petitioner Nos. 2 & 3 appear before the learned Magistrate through their counsel.

7. Disposed of.

(Sanjay Dhar)
Judge

Jammu:
10.05.2024
Tarun/PS

Tarun Kumar Gupta
2024.05.14 14:47
I attest to the accuracy and
integrity of this document