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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3288/2024**
LYDIA MONICA JOHN Petitioner

Through: Mr. Mihir Samson, Ms.
Asawari Sodhi & Mr.
Khush Aalam Singh,
Advs.

versus

**GOVERNMENT OF NCT
DELHI & ANR.**

..... Respondents
Through: Mr. Pradeep Gahalot, APP
for the State with Mr.
Vishwas Miglani, Adv.
SI Shajid Hussain, PS-
Malviya Nagar
Ms. Nidhi Mohan Parashar
& Mr. Deepak Yadav,
Advs. for R2

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
29.04.2024

CRL.M.A. 12679/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 3288/2024

3. The present petition is filed seeking appropriate directions to the learned Metropolitan Magistrate ('MM') to register the petitioner's complaint against Respondent No. 2 under Section 31 of the Protection of Women from Domestic Violence Act, 2005 ('DV Act'). The petitioner also seeks direction to the learned MM to proceed with the complaint in accordance with law.
4. Mr. Deepak Yadav learned counsel appears on advance



service accepts notice on behalf of the respondent no. 2.

5. It is not disputed that the complaint under Section 31 of the DV Act was filed by the petitioner on 12.07.2023, however, due to some reason or the other, the complaint could not be numbered.

6. The learned counsel for the petitioner submits that the learned MM, at that stage, had orally observed that the application / compliant be filed afresh before the filing counter of the concerned Court.

7. The learned counsel for the petitioner further submits that he has no objection to file the application afresh before the filing counter of the concerned Trial Court, however, it apprehends that the application might be time barred if filed afresh.

8. In so far as prayer 'b' in the present petition is concerned, the learned counsel for the petitioner submits that he will file an appropriate petition in regards to the said cause of action.

9. The learned counsel for the respondent submits that he has no objection if the application is directed to be numbered in accordance with the rules as applicable in relation to DV Act.

10. In view of the above, the application filed by the petitioner on 12.07.2023 is directed to be numbered.

11. The learned MM is directed to proceed in the said application in accordance with law.

12. No further orders are required to be passed.

13. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

APRIL 29, 2024
"SS"