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

+ CRL.M.C. 5083/2024

MOHAMMAD SHAHBAZ AND ORS.Petitioner

Through: Mr. Alok Singh, Ms. Sakshi Rawaria,
Mr. Rajbeer & Mr. Samir Malik,
Advs.

versus

BUSHRA KAUSAR KHANAMRespondent

Through: None

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **08.07.2024**

CRL.M.A. 19431/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 5083/2024 & CRL.M.A. 19432/2024

1. This petition is filed for quashing of trial proceedings in CC No. 1646/2023 under Section 12, Protection of Women from Domestic Violence Act, 2005 [**“DV Act”**] pending before the CMM, (Central District) Tis Hazari Court, New Delhi. The sole ground is that the complainant-wife was not residing with petitioner no.1 with whom marriage was solemnized on 22nd February 2019 and, therefore, maintainability under DV Act was a question.
2. These issues can be agitated by petitioner before the Metropolitan Magistrate and petition for quashing need not be entertained.
3. At this stage, counsel for petitioners states that petitioners no.2 and 3



are senior citizens while petitioner nos. 3 to 7 are distant relatives and have no involvement in the said allegation in any manner whatsoever.

4. Liberty is granted to petitioner to seek exemption regarding these petitioners/ parties before the Metropolitan Magistrate who shall consider and decide the same on merits.

5. Accordingly, petition stands dismissed with these observations.

6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 8, 2024/sm/sc