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

+ **W.P.(CRL) 1607/2025**

RASHI

.....Petitioner

Through: Mr. Ashish Mohan, Senior Advocate
with Mr. Gaurav Madaan, Advocates

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
the State with Mr. Abhijeet Kumar,
Advocate along with SI Annu, PS
Neb Sarai
Mr. A.K.Jain, Mr. Nikkhil Malhotra,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **26.05.2025**

CRL.M.A. 15125/2025 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

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4. The present petition under Articles 226 and 227 of the Constitution of India, 1950 read with Section 582 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks directions for the expeditious disposal of an application filed by the Petitioner under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005,¹ which is pending consideration before the

¹ "DV Act"



Judicial Magistrate First Class (Mahila Court), Saket Courts. The said application seeks reliefs under Sections 18, 19, 20, and 22 of the DV Act.

5. The grievance of the Petitioner pertains to the prolonged and avoidable delay in the progress of the proceedings, particularly in regard to the completion of her cross-examination, which has remained inconclusive for over a year. It is urged that such inordinate delay undermines the very purpose of the DV Act, which is intended to provide swift and efficacious remedies to aggrieved women. Emphasis is placed on Section 12(5) of the Act, which explicitly contemplates, *“The Magistrate shall Endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing”*. On this premise, the Petitioner seeks judicial intervention to ensure that the trial proceeds with urgency and without adjournments that are not warranted. A further prayer is made for imposition of exemplary costs where delays are occasioned without justification, so as to deter dilatory tactics and preserve the legislative intent behind the Act.

6. The Petitioner has articulated the following reliefs in the prayer clause:

“A. Pass suitable orders and directions for expeditious disposal of Application filed by the Petitioner in the Court of Hon’ble J.M.F.C (Mahila Court), Saket Court u/s 12(1) of DV Act, 2005 on March 28, 2023 praying for reliefs u/s 18/19/20/22 of DV Act, 2005, within a specific time frame

B. Pass suitable orders and directions for expediting the hearing in the above Application for instance by way of shorter dates, declining adjournments or imposition of exemplary costs where the circumstances so merit, to achieve the aim and purpose of the DV Act, 2005

C. Pass suitable orders and directions for completion of cross-examination of Petitioner and her witnesses in one single hearing or maximum by the next day once their evidence is over or evidence affidavit is filed, as per directions of Hon’ble Supreme Court in Vinod



Kumar Vs. State of Punjab (MANU/SC/0068/2015)

D. Pass suitable orders and directions that Petitioner or her other witnesses cannot be curtailed from tendering their answer/ explanation during cross examination to clear any ambiguity and their answer shall be brought on the record of the Court and the opposing party only has the right to get their objections recorded, if any

E. Pass suitable orders and directions that the Petitioner or her other witnesses cannot be compelled to give "Yes" or "No" answers to convoluted questions having dual meaning nor their accompanying explanation shall be removed from the record, for instance, an answer to a question that "whether your parents came to your home to tell you to behave" cannot be a "yes" or a "no".

F. Pass any other order/directions and relief as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

7. The Court has considered the submissions advanced on behalf of the Petitioner. There can indeed be no doubt that Section 12(5) of the DV Act embodies a clear legislative preference for swift adjudication. The statutory object, without question, is that such applications ought to be resolved within the timeframe contemplated by the provision. However, the realities of trial court functioning often fall short of this aspiration. Delays in such proceedings may arise from a range of causes - some systemic, others case-specific, including procedural delays, frequent adjournment requests, or even genuine complexities in the recording of evidence. Even so, these impediments cannot be allowed to blunt the core objective of the DV Act, which is to provide prompt and meaningful relief to women subjected to domestic abuse. The right to a fair, efficient, and timely hearing is an essential element of access to justice. Courts must remain vigilant to any pattern of delay that risks undermining the very safeguards the statute is designed to provide.

8. For the foregoing reasons, and without making any observations on the merits of the pending application, the petition is disposed of with a



direction to the Judicial Magistrate First Class (Mahila Court), Saket Courts, to endeavour to conclude the proceedings in Criminal Complaint No. CT/474/2023 as expeditiously as possible, in accordance with law. The Trial Court shall also take reasonable steps to ensure that the examination and cross-examination of witnesses proceed without avoidable adjournments, keeping in mind the objectives of the DV Act.

9. The Court has not commented on the merits of the case. All rights and contentions of the parties are left open.

10. The petition is disposed of, along with pending application.

SANJEEV NARULA, J

MAY 26, 2025/ab