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

+ CRL.M.C. 8490/2025 & CRL.M.As. 35483/2025, 35484/2025

PRAVIN KUMAR

.....Petitioner

Through: Mr. Aruni Poddar, Ms. Ekta M. and
Ms. Shivani Kumari, Advocates.

versus

ANUSHTHA DEV

.....Respondent

Through: *Appearance not given.*

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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28.11.2025

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023,¹ seeks quashing of the summoning order dated 4th November, 2024, as well as CT Case No. 1586/2024 dated 18th October, 2024, titled *Anushtha Dev v. Pravin Kumar*, instituted under Section 12 of the Protection of Women from Domestic Violence Act, 2005,² and presently pending before the Court of the JMFC (Mahila Court-03), Shahdara, Karkardooma Courts, Delhi.

2. Counsel for the Petitioner submits that the Respondent has levelled false allegations and has concealed material facts. It is further submitted that the alleged incidents occurred in Roorkee, where the Respondent resides and serves as a Government teacher at Gurukul Narsan, District Haridwar. Reliance is placed on her Aadhaar card reflecting her Roorkee address. Counsel further submits that the Respondent has already lodged a complaint

¹ "BNSS"

² "DV Act"



on the same set of allegations before the CWC Cell, Roorkee and P.S. Kotwali Gang Nehar, Roorkee, and therefore the complaint instituted in Delhi is not maintainable.

3. Heard. At this stage, the contention regarding lack of territorial jurisdiction does not *prima facie* appear tenable. Section 27 of DV Act permits institution of proceedings not only at the place of permanent residence, but also at any place where the aggrieved person temporarily resides. In view thereof, the filing of the complaint in Delhi cannot, on a *prima facie* assessment, be faulted. Nonetheless, the Petitioner's contentions regarding the place of occurrence of the alleged incidents, the Respondent's residence, and the effect of the prior complaint in Roorkee are matters that can appropriately be considered by the Trial Court at the relevant stage. In any event, the summoning order is an appealable order under Section 29 of the DV Act, thus, providing the Petitioner an adequate statutory remedy.

4. In light of the foregoing, the Court finds no ground to exercise jurisdiction under Section 528 BNSS, when an efficacious alternate remedy is available to the Petitioner.

5. Accordingly, without going into the merits of the case, and reserving all rights and contentions of the parties, the present petition is dismissed along with pending applications.

SANJEEV NARULA, J

NOVEMBER 28, 2025

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