Serial No. 99

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CM(M) No. 46/2024
CM No. 1305/2024

Mir Ahmed and others …..Appellant(s)/Petitioner(s)

Through: Mr. Mazher Ali Khan, Advocate.

vs

Sharifa Bi ….. Respondent(s)

Through: None.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
06.08.2026

1. The present petition has been filed by the petitioners for quashing the proceedings pending before the court of learned Munsiff/JMIC Mendhar in domestic violence petition filed by the respondent under section 12 of Protection of Women from Domestic Violence Act titled *"Sharifa Bi vs. Mir Ahmed and others"* on the ground that the petition has been filed by the respondent after the petitioner No. 1 and the respondent had mutually dissolved their marriage vide divorce agreement dated 13.05.2004, which was duly executed in presence of the witnesses, as such, there is no relationship between the petitioner No. 1 an the respondent since 1990.

2. It is also urged that the petitioner No. 1 is suffering from various health ailments and requires money for his treatment and on 21.11.2023, the petitioner No. 1 approached the respondent and requested her to handover the possession of the house and land, but the respondent along with her other family members attacked the petitioner No. 1 and beat him, which constrained the petitioner No. 1

to approach the Police Station, Poonch for registration of FIR, pursuant to which FIR bearing No. 0214 dated 21.11.2023 under Sections 452, 323, 336, 382 and 147 IPC was registered against the respondent.

3. Precisely, it is urged by the petitioners that the proceedings have been initiated against them just to harass them, more particularly when the petitioner No. 1 lodged FIR against the respondent.

4. Despite service, none has caused appearance on behalf of the respondent, as such, the respondent is set *ex parte*.

5. Heard learned counsel for the petitioners.

6. The petitioners, instead of approaching the court of learned Munsiff/JMIC, Mendhar, have straightway filed this petition for quashing the proceedings and in fact no order has been passed by the concerned Magistrate against the petitioners.

7. The petitioners can raise all the pleas raised in the present petition, while filing response before the learned Magistrate.

8. Accordingly, the present petition is disposed of with liberty to the petitioners to project their defence/claims before the learned Munsiff/JMIC, Mendhar and further the learned Magistrate is requested to consider the same and proceed in accordance with law.

9. Disposed of along with the connected application.

(RAJNESH OSWAL)
JUDGE

Jammu
06.08.2026
Sahil Padha

Sahil Padha
2026.08.06 05:50
I attest to the accuracy and
integrity of this document