Sr. No. 10

# HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

**Case No. CRM(M) No. 1198/2026**

**Heenu Choudhary and ors.**

Through: Mr. P S Pawar, Advocate.

**Vs.**

**Rupali Choudhary.**

Through:

**CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER**
**21.10.2026**

**(ORAL)**

01. The petitioners have challenged the proceedings initiated against them under Section 12 of *the Protection of Women from Domestic Violence Act* (for short '**the DV Act**') by the Court of learned JMIC Nowshera (hereinafter '**the trial Magistrate**').

02. Heard learned counsel for the petitioners and perused the record.

03. It appears that the respondent has filed a petition under Section 12 of the DV Act against the petitioners and one Sh. Komal Gangal before the learned trial Magistrate alleging commission of acts of domestic violation by the petitioners against her.

04. Learned counsel for the petitioners has submitted that petitioner Nos. 1 2 and 3 happen to be married sister-in-law, mother-in-law and father –in-law of the respondent. It has been submitted that the respondent has unnecessarily

roped in the petitioners and that she has never been in domestic relationship with the petitioners. It has further been contended that the respondent may be having marital discord with her husband but the petitioners cannot be unnecessarily dragged into the litigation. He has further submitted that there are no specific allegations in the impugned petition against the petitioners. The learned counsel has further contended that the learned trial Magistrate has treated the proceedings as criminal proceedings and in fact on one occasion bailable warrants have been issued against the petitioners, which is not permissible under law.

05. It is a settled law that the proceedings under the DV Act are not in strict sense criminal in nature. The same cannot be equated with lodging of a criminal complaint or initiation of prosecution. Therefore, it is not open to the Magistrate to issue warrants of arrest against the respondents. The Supreme Court in case titled "*Kamatchi vs. Lakshmi Narayanan", **2022 SCC online 446*** has held that the trial Magistrate, after obtaining response from the husband and his relatives etc. is well within his jurisdiction to revoke his order of issuing summons to them or he/she can even drop the proceedings. Since, the proceedings under Section 12 of the DV Act are quasi criminal in nature, as such, bar to alter/revoke an order by a Magistrate is not attracted to these proceedings. The personal appearance of the respondents before the Magistrate is not mandatory unless the same is warranted for further progress of the case.

06. In view of the above, this petition is ***disposed of*** with a direction to the learned trial Magistrate to consider the prayer of the petitioners for dropping of the proceedings on the basis of the grounds urged in the present petition. It

shall be open to the petitioners to make an application before the trial Magistrate for dropping of the proceedings. If and when such an application is made, the learned trial Magistrate shall, after hearing the parties, decide the same most expeditiously preferably within a period of one month from the date the petitioners file application for dropping of the proceeding.

07. The petition is disposed of accordingly.

**(SANJAY DHAR)**
**JUDGE**

**J**ammu
21 .10.2026
Sunita

HIGH COURT OF JAMMU & KASHMIR AND LADAKH