Serial No. 132
Supplementary Cause List-I

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM (M) No. 934/2026
CrlM No. 2118/2026

Zahid Ahmad Sheikh & Ors

… Petitioner(s)

Through: -
Mr B. S. Bali, Advocate.

V/s

Suby Jan

… Respondent(s)

CORAM:

Hon'ble Mr. Justice Shahzad Azeem, Judge.

(ORDER)

04.11.2026

ORAL:

01. The Petitioners have approached this Court invoking its extraordinary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS], seeking quashing of the Complaint filed by the Respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [Act of 2005] and under Section 125 of the Code of Criminal Procedure.

02. The Petition is primarily founded on two grounds: first, that the second Complaint under the Act of 2005 is not maintainable, inasmuch as, in an earlier round of litigation under the Act of 2005, the parties entered into a compromise and the matter was settled in terms thereof. It is, therefore, contended that a second Complaint on the same set of allegations is not maintainable.

03. The second ground urged is that the Complaint has been filed before the learned Judicial Magistrate, Bijbehara, which lacks jurisdiction in terms of Section 27 of the Act of 2005, as the Respondent is stated to be residing at Srinagar and the cause of action is also said to have arisen at Srinagar.

04. Heard learned Counsel appearing for the Petitioners.

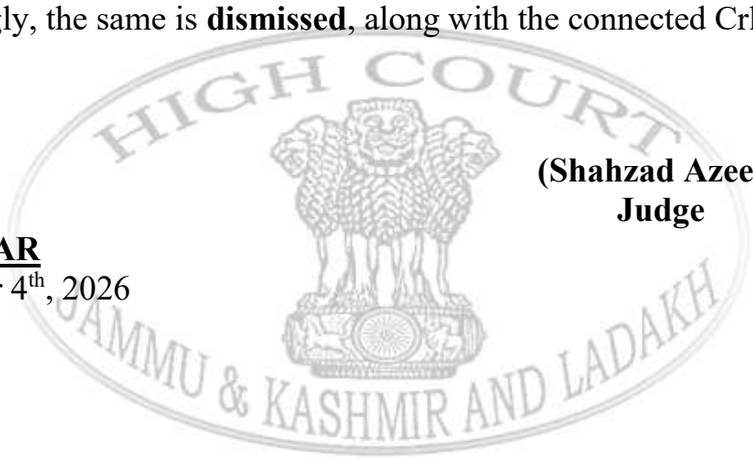
05. A perusal of the Complaint dated 12th of May, 2026 (Annexure-I), particularly paragraph No.8 thereof, reveals specific allegations of subsequent acts of violence by the husband. In these

circumstances, the Petitioners cannot take shelter under the earlier compromise, which is alleged to have been violated by subsequent acts of omission and commission. These allegations, however, are subject to adduction of evidence before the Trial Court.

06. As regards the question of jurisdiction, the address given in the impugned Complaint itself indicates that the Complainant/ Respondent is a resident of Bijbehara. *Prima facie*, therefore, the Court at Bijbehara has jurisdiction.

07. Be that as it may, the plea raised by the learned Counsel for the Petitioners that the Complainant/ Respondent is residing at Srinagar raises a disputed question of fact, which can only be proved or disproved by leading evidence before the Court of competent jurisdiction. It is not open to this Court, while exercising extraordinary jurisdiction under Section 528 of the BNSS, to enter into such factual disputes.

08. In view of above, on both the grounds urged, the Petition does not withstand the scrutiny of law and is devoid of merit. Accordingly, the same is **dismissed**, along with the connected CrlM.



(Shahzad Azeem)
Judge

SRINAGAR
November 4th, 2026
"TAHIR"

Tahir Manzoor Bhat
I attest to the accuracy and
authenticity of this
document