Serial No. 101
Supplementary Cause List-I

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM (M) No. 943/2026
CrlM No. 2149/2026

Ajaz Ahmad Dar **…Petitioner(s)**

Through:
Mr Parvaiz Lone, Advocate.

V/s.

Neelofar Hassan and Anr. **...Respondent(s)**

Through:

CORAM:
Hon'ble Mr Justice Shahzad Azeem, Judge.

ORDER
13.11.2026

01. The Petitioner has challenged Order dated 18th of June, 2026 passed by the learned Additional Sessions Judge, Baramulla in the appeal titled **'Ajaz Ahmad Dar v. Neelofar Hassan and Anr.'**, whereby the Order dated 5th of May, 2025 passed by the learned Judicial Magistrate 1st Class (Sub-Judge), Baramulla under the provisions of the Protection of Women from Domestic Violence Act, 2005 ["Act of 2005"] has been affirmed.

02. Although, the Petitioner has taken various factual and legal grounds challenging the legality of both the orders; one passed by the learned Magistrate and the other by the learned Additional Sessions Judge in the proceedings arising under the Act of 2005, however, after arguing for some time, the learned Counsel has restricted his submissions to the point that there is sufficient material indicating that Respondent No.1 (wife) has raised certain unbecoming allegations of sexual harassment by the Petitioner against none other than her daughter. An FIR is stated to have been lodged in respect thereof, which was subsequently closed for lack of substance.

03. In this regard, learned Counsel for the Petitioner submits that, after raising such heinous and vulgar allegations, it is not comfortable either for the Petitioner or the Respondents to reside under the same roof.

04. Learned Counsel fairly concedes that he is ready to provide the rental accommodation to the Respondents and that, if the impugned Order is modified to that extent, the Petitioner shall be satisfied.

05. Heard learned Counsel for the Petitioner.

06. Since the learned Counsel for the Petitioner has raised a plea which needs to be considered keeping in view the human misery as also the sensitivity of the issue, at this stage, without putting the other side to notice, it may not be proper to accept the said prayer made by learned Counsel for the Petitioner.

07. However, in view of the facts and circumstances, coupled with the submissions made by the learned Counsel for the Petitioner, the matter can be effectively dealt with by the learned Magistrate itself in case the Petitioner approaches the Magistrate with an appropriate application seeking modification of the impugned Order dated 5th of May, 2025. At this stage, learned Counsel for the Petitioner submits that the Petitioner has already moved an application with a similar prayer before the learned Magistrate. If that be so, the learned Magistrate shall consider the said application filed by the Petitioner and pass appropriate orders thereon expeditiously. However, the Petitioner shall be at liberty to raise all available pleas before the learned Magistrate, including the plea of lodging of FIR and its subsequent closure.

08. The Petition is, accordingly, **disposed** of on the above terms, together with the connected CrlM.

(Shahzad Azeem)
Judge

SRINAGAR:
November 13th, 2026
"TAHIR"

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