Serial No.09
Supplementary List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM(M) No. 999/2026
CrlM No. 2278/2026

Firdous Ahmad Malik and Ors **…Petitioner(s)**

Through:
Mr. S. M. Saleem, Advocate.

V/s.

Maira Firdous (Minor) through her mother and Anr **...Respondent(s)**

Through:

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

ORDER
21.11.2026

01. The petitioners have challenged the complaint filed by respondents under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which is pending disposal before the Court of learned Judicial Magistrate 1st Class, Kupwara.

02. The principal ground urged by the petitioners is that series of attempts were made by the parties for amicable settlement, so much so, the matter was referred for mediation, but same also failed. On the strength of these unsuccessful attempts, the learned counsel for the petitioners submits that there is no domestic violence, much less any harassment to the respondents to maintain the proceedings under the provisions of Domestic Violence Act, therefore, the learned Magistrate has committed illegality in taking the cognizance of the matter.

03. Heard learned counsel for the petitioners.

04. In exercise of inherent power, the High Court does not conduct a mini trial or weigh evidence. Disputed questions of fact such as whether the respondents are subjected to domestic violence or the mediation remained unsuccessful because of the respondents, are ordinarily to be decided at the trial. The quashing of the proceedings in exercise of inherent

power is warranted in exceptional circumstances, where the Complaint, even if taken at face value, does not disclose the offence.

05. *Prima facie* it appears that the petitioners' grievance revolves around the point that despite number of attempts were made for amicable settlement, same failed, therefore, the petitioners wanted to take advantage of the fact that it is due to unwillingness of the respondents, therefore, petitioners cannot be blamed for the same. However, all the pleas raised by the petitioners needs appreciation and can be weighed only on the touchstone of evidence during trial and thus, cannot be appreciated in the inherent jurisdiction of this Court.

06. In view of the above, this petition is found without merit. Accordingly, the same is ***dismissed*** along with connected application(s).

(Shahzad Azeem)
Judge

SRINAGAR:
21.11.2026
"HAMID"

HIGH COURT
JAMMU & KASHMIR AND LADAKH

Abdul Hamid Bhat
I attest to the accuracy and
authenticity of this
document