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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3028/2026, CRL.M.A. 12295/2026

SEEMA BAWEJA

.....Petitioner

Through: Mr. Nikhil Rastogi, Mr. Vinod  
Kumar Mangal, Mr. Kunal Yadav  
and Mr. Natish Singh Dhama,  
Advs.

versus

VISHRUTA GAMBHIR

.....Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

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**21.04.2026**

1. By virtue of the present petition under Section 528 of the Bharatiya  
Nagarik Suraksha Sanhita, 2023, the petitioner seeks the following reliefs:

*“(a) Set aside/ quash the impugned order dated 10.04.2026 passed by the Ld. Sessions Judge, West District, Tis Hazari Courts, Delhi, to the extent it restrains the SHO, PS Hari Nagar from taking steps in pursuance of the order dated 07.04.2026 till the next date of hearing, as the same is illegal, arbitrary, and contrary to law; and*

*(b) Restore the full operation, effect and enforceability of the order dated 07.04.2026 passed by the Ld. MM (Mahila Court), West District, Tis Hazari Courts, Delhi; and*

*(c) Direct the concerned DCP/ SHO to provide necessary police assistance for the implementation and enforcement of the order dated 07.04.2026, including facilitating re-entry of the Petitioner, handing over of keys, and ensuring compliance of directions regarding shared household; and*

*(d) Stay the operation and effect of the impugned order dated 10.04.2026 during the pendency of the present Petition;”*



2. It is the case of the petitioner herein that on 07.04.2026 after hearing the parties herein, the learned JMFC passed a detailed order with certain conditions. In fact, it was specifically recorded therein as under:

*“If the respondent disrupts by any means and does not allow the petitioner to re-enter the house, the petitioner can seek help from the concerned Police Station and in that event, the SHO is directed to provide necessary aid to the petitioner.”*

3. Aggrieved thereby, the respondent filed an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 before the learned Sessions Court. When it was listed for the first time on 10.04.2026 after hearing learned counsel for the respondent (appellant therein), even prior to issuance of notice, the learned Sessions Court passed the following order:

*“ The court is not inclined to pass any stay order in the absence of the respondent. However, the court cannot ignore the fact that, if proper directions to the SHO are not issued, then the present appeal is likely to get infructuous.*

*Accordingly, SHO PS Hari Nagar is directed not to take any steps in pursuance of the impugned order at least till the NDOH.”*

4. Considering the parties involved, as also the nature of proceedings involved herein, the issuance of notice to respondent in the present petition is dispensed with.

5. In view of the contrary findings rendered by the learned Sessions Court in the impugned order dated 10.04.2026, and the non-reasoning for passing an order directing the SHO PS Hari Nagar not to initiate any steps therein, the impugned order dated 10.04.2026 is set aside and the parties are relegated before the learned Sessions Court, who shall hear the parties



before passing any order granting stay of the order dated 07.04.2022 passed by the learned JMFC.

6. As such, list before the learned Sessions Court, Tis Hazari Courts, Delhi on 27.04.2026.

7. Learned counsel for the petitioner is directed to inform the respondent about the present order as also disclose the next date of hearing before the learned Sessions Court.

8. A copy of this order be sent to the Principle District and Sessions Judge, Tis Hazari Courts, Delhi for information and compliance.

9. Accordingly, the present petition, alongwith the pending application, is disposed of with the aforesaid directions.

**SAURABH BANERJEE, J**

**APRIL 21, 2026/Ab**