2026:AHC:211772

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4886 of 2026

Smt. Shilpa Kumari

.....Applicant(s)

Versus

State Of U.P. And 6 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Praveen Kumar Tiwari, Ravindra Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicant as well as learned A.G.A. for the State.

This application under Section 529 BNSS has been filed to direct the court concerned to decide the Criminal Misc. Case No. 2455 of 2025 (Smt. Shilpa Kumari vs. Deeraj Kumar and others), under Section-12, 18, 19, 20, 21, 22 of the Protection of Women from Domestic Violence Act, 2005 Police Station Sikohabad, District Firozabad, expeditiously within a stipulated period.

Learned counsel for the applicant submits that the said case has been instituted on behalf of applicant on 08.09.2025 and the case is still pending before the court concerned and a considerable period has already lapsed.

It would be relevant to mention herein the Section 12 in The Protection of Women from Domestic Violence Act, 2005:-

12. Application to Magistrate

(1)An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act:Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

(2)The relief sought for under sub-section (1) may include a

relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent:Provided that where a decree for any amount as compensation or damages has been passed by any Court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.

(3)Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.

(4)The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the Court.

(5)The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.

Considering the facts and circumstances of the present case, the court concerned is directed to make all endeavours to decide the aforesaid case, keeping in view the provisions of Section 12 (5) of Protection of Women from Domestic Violence Act, as expeditiously as possible, after giving opportunity of hearing to both the parties, without giving any unnecessary adjournments to either parties, if there is no other legal impediment in deciding the aforesaid case.

With the aforesaid observations, the instant application is finally **disposed of** .

(Jai Prakash Tiwari,J.)

October 8, 2026
KK Patel

Digitally signed by :-
KRISHN KANT PATEL
High Court of Judicature at Allahabad