HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 42595 of 2026

Abdul Samad And 8 Others

.....Applicant(s)

Versus

State Of U.P. And 4 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohd Faiz
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE PRASHANT MISHRA-I, J.

1. Heard Sri Shams Tabrez Alam, learned Advocate holding brief of Sri Mohd. Faiz, learned counsel for the applicants and learned A.G.A. for the State.

2. The instant application has been preferred with a prayer to quash the entire criminal proceedings in Complaint No.4730 of 2020 (Smt. Hina & 3 Others Vs.Abdul Samad & 8 Others), under Section 12 of Domestic Violence Act, Police Station-Delhi Gate, District-Meerut pending in the court of Judicial Magistrate/Civil Judge (Junior Division)/Fast Track Court (Crime Against Women), Meerut including impugned order dated 13.01.2023 and recovery notice dated 13.07.2026 passed by learned Judicial Magistrate/Civil Judge (Junior Division)/Fast Track Court (Crime Against Women), Meerut.

3. Learned counsel for the applicants submits that marriage of the applicant no. 1 was solemnized with the opposite party no. 2 on 21.07.2016 and after some time of the marriage, the opposite party no. 2 started to create pressure upon the applicant no. 1 to live separately from the other family members. On refusing to do so, opposite party no. 2 felt aggrieved and left her matrimonial house just after 15 to 20 days of the marriage and instituted the aforesaid complaint against her husband and other family members. He next submits that the applicants were not at all aware of the proceedings instituted by the opposite party no. 2 before the learned trial court and the proceedings of the aforementioned complaint case were conducted ex parte and the impugned order was passed by the learned trial court vide which the application under Section 12 of the DV Act of the opposite party no. 2 was allowed. He finally prays that, in the interest of justice, the applicants may be given an opportunity to file their reply to the aforesaid complaint case before the learned trial court.

4. Learned A.G.A. could not dispute the contentions of the learned counsel for the applicants that the impugned order was passed by the learned trial court ex parte, without giving any opportunity of hearing to the applicants.

5. Perused the impugned order dated 13.01.2023. There is no whisper to the effect that the accused/applicants were given any opportunity of hearing in the aforesaid complaint case before the learned trial court. In the interest of justice an opportunity shall be afforded to the applicants. Accordingly, impugned order dated 13.01.2023 as well as recovery notice dated 13.07.2026 are set aside and the learned trial court is directed to afford an opportunity of hearing and for filing a reply against the complaint case to the applicants and then pass an order after hearing both the parties in accordance with law. It is also made clear that the accused/applicants shall participate in the proceedings before the learned trial court in the complaint case and shall not seek unnecessary adjournment.

6. With the aforesaid observations and directions, the instant application is **disposed** of.

(Prashant Mishra-I,J.)

October 28, 2026
Saurabh

Digitally signed by :-
SAURABH
High Court of Judicature at Allahabad