S. No. 75
Suppl-II

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) 147/2024 CM(2712/2024).

Aijaz Ahmed Bhat.

...Petitioner(s)

Through: Ms. Rubia Hassan, Advocate.

VERSUS

Yasmeena & Ors.

Through:

... Respondent(s)

CORAM:

HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE.

ORDER
29.09.2026

1. Petitioner has invoked supervisory jurisdiction of this Court under Article 227 of the Constitution of India, for the quashment of complaint, titled "Yasmeena Bano & Ors. Vs. Aijaz Ahmad Bhat" under Section 12 of the Protection of Women from Domestic Violence Act, 2005 ("The Act") pending on the files of learned Special Mobile Magistrate (Sub-Judge), Baramulla ("The Trial Court"), along with order dated 27th December, 2023 passed in an application under Section 9 of the Act for grant of interim relief.

2. Petitioner is aggrieved of the impugned complaint as also the impugned order passed by the Trial Court, primarily on the ground that parties had already settled the dispute in terms of the Lok Adalat award dated 14th May, 2022. However, a perusal of the record reveals that petitioner has not taken this plea in the objections filed by him before the Trial Court. However, it is urged by the

petitioner before the Trial Court that petition filed by the respondents was not maintainable.

3. Interim order dated 27th December, 2023 passed by the Trial Court is appealable in terms of Section 29 of the Act. However, the petitioner, instead of availing the statutory remedy of appeal, has straightaway approached this Court for the quashment of the said order, which is not permissible in law.

4. Ms. Rubia Hassan, learned counsel appearing for the petitioner, after arguing for a considerable time, has submitted that she would be satisfied in case Trial Court is directed to consider the preliminary objection taken by the petitioner.

5. Her statement is taken on record.

6. In view of the above, present petition is, *disposed of,* with a direction to the Trial Court to accord consideration to the maintainability issue taken by the petitioner in the objections, in accordance with law, after affording a reasonable opportunity of being heard to both the sides.

7. *Disposed of* in terms of the above.

(Rajesh Sekhri)
Judge

SRINAGAR
29.09.2026
Bisma Jan.