2026:AHC:212512

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 5027 of 2026

Smt Sheela Devi

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pradip Kumar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicant and learned AGA for the State.

This application under Section 529 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed seeking a direction to the court concerned to expedite the Complaint Case No. 618 of 2023 (Smt. Sheela Devi vs. Sughar Lal Chaudhary and others), under Sections 12, 18, 19, 20, 22 of the Protection of Women from Domestic Violence Act, 2005, Police Station Hanumat Vihar, District Kanpur Nagar, pending before the court of learned Additional Civil Judge (Senior Division), Court No. 4, Kanpur Nagar, within stipulated period.

Learned counsel for the applicant submits that the applicant has filed the aforesaid case before the court concerned on 17.2.2023 against opposite party nos. 2 to 4. It is submitted that so many dates has been fixed before the court concerned, but till date, the case is still pending. Learned counsel for the applicant, therefore, submits that, considering the considerable period for which the proceedings have remained pending, a suitable direction may be issued to the court concerned for expeditious disposal of the aforesaid case.

Here, it would be relevant to note Section 12 of the Protection of Women from Domestic Violence Act, 2005, which provides that:-

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."

Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, it appears that the proceedings arising out of the application under the provisions of Protection of Women from Domestic Violence Act, 2005, have remained pending since the year 2023.

In view of the aforesaid facts and circumstances of the case and having regard to the mandate contained in Section 12(5) of the Protection of Women from Domestic Violence Act, 2005, the court concerned is directed to make all possible endeavour to conclude and decide the aforesaid case, as expeditiously as possible, without granting unnecessary adjournment to either of the parties, strictly in accordance with law, provided there is no legal impediment.

With the aforesaid observations and directions, the application stands disposed of.

(Jai Prakash Tiwari,J.)

October 9, 2026
Brijesh

Digitally signed by :-
BRIJESH KUMAR
High Court of Judicature at Allahabad