

**IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

**CRM(M) No.60/2021
CrIM No.189/2021**

Afroza Bano & Ors. ...Petitioner(s)
Through: -M/S: Umar Mir & T. A. Lone, Advocates

Vs.

Tariq Ahmad Rather & Ors. ...Respondent(s)
Through: -None.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

**ORDER (ORAL)
26.02.2021**

1) The petitioners have filed the instant petition under Section 482 Cr. P. C seeking a direction upon Forest Magistrate (Sub Judge), Srinagar, to give effect to the orders passed by the said Court on an application filed by the petitioners under the provisions of Protection of Women from Domestic Violence Act.

2) It is the case of the petitioners that they had filed a complaint under the provisions of Protection of Women from Domestic Violence Act before the Forest Magistrate (Sub Judge), Srinagar, and on 08.08.2020, the learned Magistrate passed an interim order whereby respondent No.1 was directed to pay monetary relief of Rs.14000/ in favour of the petitioners and besides this, a direction was

passed in favour of the petitioners to provide them one

room, one kitchen and one bathroom in the newly constructed house at Nishat Srinagar.

3) It is alleged that despite seeking assistance of the police (SHO P/S Nishat), the said order could not be implemented on account of resistance shown by the respondents compelling the petitioners to file an application before the learned Magistrate for initiation of contempt proceedings against SHO, P/S Nishat, as well as against the respondents and a direction was sought upon DDO concerned of respondent No.1 to deduct an amount of Rs.14000/ from the salary of the said respondent and credit the same to the account of petitioner No.1. It is alleged that on the said application no order has been passed by the learned Magistrate. It is further alleged that on account of non-compliance of the orders passed by the learned Magistrate by the respondents, the petitioners were compelled to file another application before the learned Magistrate in terms of Section 32 read with Section 31 of the Protection of Women from Domestic Violence Act. However, the learned Magistrate is stated to have not taken any action on the said application.

4) It is in view of the above said circumstances that the petitioners have filed the instant petition seeking direction to the learned Magistrate to get its orders implemented.

5) Having heard learned counsel for the petitioners and having perused the petition and the documents annexed thereto, this Court feels that the petition can be disposed of at its threshold by issuing appropriate directions to the learned Forest Magistrate (Sub Judge), Srinagar.

6) Accordingly, the petition is **disposed** of with a direction to the learned Forest Magistrate (Sub Judge), Srinagar, to take all necessary steps, as are available under law, to get various orders passed by it from time to time on the applications filed by the petitioners under the provisions of Protection of Women from Domestic Violence Act, implemented in letter and spirit. The learned Magistrate shall also ensure that appropriate orders are passed expeditiously on all other applications of the petitioners that are pending before it, in accordance with law.

7) Copy of this order be sent to learned Forest Magistrate (Sub Judge), Srinagar, for information and compliance.

(Sanjay Dhar)
Judge

Srinagar

26.02.2021

“Bhat Altaf, PS”

Whether the order is speaking:

Yes/No

Whether the order is reportable:

Yes/No