

## **Anil Kumar vs State Of U.P. And Another on 2 January, 2025**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:17

Court No. - 77

Case :- APPLICATION U/S 482 No. - 29291 of 2024

Applicant :- Anil Kumar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Chandra Bhushan Prasad

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Chandra Bhushan Prasad, learned counsel for the applicant and Sri Rajeev Kumar Singh, learned A.G.A. for the State.

2. The present application has been filed for directing the learned Civil Judge (Junior Division), FTC-Ist, Muzaffar Nagar to conclude and decide the trial of Complaint Case No.120 of 2016 (Smt. Pavitra Vs. Anil & Others), arising out of proceeding u/s 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'the Domestic Violence Act'), Police Station-Kotwali Nagar, District-Muzaffar Nagar, within stipulated period.

3. Contention of learned counsel for the applicant is that complaint case of the applicant u/s 12 of the Domestic Violence Act has been pending since 2016, but till date it has not been decided. As per Section 12(5) of the Domestic Violence Act, it is provided that the Magistrate shall endeavour to dispose of every application made under this Section within a period of 60 days from the date of its first hearing. Sections-12(4) and 12(5) of the Domestic Violence Act are being quoted below:-

"12(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.

12(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."

4. In view of the above, there is a statutory mandate to decide the complaint u/s 12 of the Domestic Violence Act within a period of 60 days from the date of its first hearing.

5. Accordingly, the learned Civil Judge (Junior Division), FTC-Ist, Muzaffar Nagar to conclude and decide the trial of Complaint Case No.120 of 2016 (Smt. Pavitra Vs. Anil & Others), arising out of proceeding u/s 12 of the Domestic Violence Act, Police Station-Kotwali Nagar, District-Muzaffar Nagar, expeditiously preferably within a period of 90 days from the date of receipt of copy of this order.

6. With the aforesaid direction, the application is disposed of.

7. This matter has been disposed of, therefore, the same may be untagged from Application u/s 482 No.18994 of 2024.

Order Date :- 2.1.2025 S.Chaurasia