

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1248/2024

[Arising out of impugned final judgment and order dated 13-07-2023 in MP No. 2724/2023 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

ASHISH SHIVKUMAR PARMAR & ORS.

Petitioner(s)

VERSUS

ITI PARMAR

Respondent(s)

(IA No.10571/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.10573/2024-EXEMPTION FROM FILING O.T. and IA No.10572/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 21-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Anuj Saxena, Adv.
Mr. Anuj Ruhela, Adv.
Mr. Prakash Sharma, Adv.
Mr. Manan Malik, Adv.
Mr. Durgesh Ramchandra Gupta, AOR

For Respondent(s) Mr. Rishi Malhotra, Sr. Adv.
Mr. Prem Malhotra, AOR
Ms. Ansuiya, Adv.
Mr. Shivaansh Maini, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel appearing for the petitioners. An application for discharge under Section 227 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') was made by the petitioners who are respondents in a complaint under Section 12 of

the Protection of Women from Domestic Violence Act, 2005 (for short, 'the 2005 Act'). The application was rejected by the learned Magistrate. The order was challenged before the High Court and the High Court has confirmed the same. Though Section 28 of the 2005 Act provides that provisions of Code of Criminal Procedure, 1973 will apply to the complaint under Section 12 of 2005 Act, the same will apply to the extent to which the same are applicable.

In the present case, only notice has been issued in terms of Sections 12 and 13 of the 2005 Act. Therefore, the application for discharge under Section 227 of the Cr.P.C. was completely misconceived. Hence, there is no merit in the SLP and the same is dismissed.

However, all the contentions and remedies of the petitioners are expressly kept open.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)