

77
Supp

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) 488/2025
CM(7336/2025)

RIZWAN YOUSUF QAZI

..... Petitioner (s)

Through: Mr. Faisal Javid, Adv.

V/s

SHAZIYA SHAH

..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

11.11.2025

1. Through the medium of present petition, the petitioner has challenged issuance of non-bailable warrants against him by the court of learned Additional Mobile Magistrate, Ganderbal in a proceedings under Protection of Women from Domestic Violence Act (hereinafter the DV Act) launched against him by the respondent. Certain other directions have also been sought in the petition.
2. Heard and considered.
3. It is a settled law that the proceedings under DV Act are quasi criminal in nature and an application under Section 12 of the said Act filed by an aggrieved person is not a criminal

- complaint. Therefore, if the respondent in an application under Section 12 of the said Act does not appear before the said court despite service of summons, the only course open to the Magistrate is to proceed ex parte against him and not to issue warrants for securing his personal presence, unless any offence as defined under DV Act has been committed by the respondent. Issuance of warrants against the petitioner by the learned trial Magistrate is, therefore, not sustainable in law, the same deserves to be quashed.
4. So far as the grievance of the petitioner that the matter is not being referred to mediation or that he is not being provided certified copies of certain orders/documents, the same needs to be looked into by the learned trial Magistrate in accordance with law. Ordered accordingly.

(Sanjay Dhar)
Judge

SRINAGAR

11.11.2025

Aasif