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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 6715/2022

NIRUPAMA TRIPATHI

..... Petitioner

Through: Ms. Ashima Mandla, Ms. Mandakini
Singh, Mr. Atharv Koppal, Mr. Abhishek Samal,
Advs.

versus

VIKAS TRIPATHI

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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23.01.2023

The matter has been received on transfer.

CRL.M.A. 26159/2022

Allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 6715/2022

This is a petition filed seeking quashing of the complaint case No. 1296/2022 pending before the learned MM, Karkardooma Courts, Delhi and proceedings arising therefrom.

It is stated by Ms. Mandla, learned counsel for the petitioner that in the present case, the husband of the petitioner has initiated proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (DV Act). The same is totally contrary to the essence of the Act as well as to Section 2(a) which defines "*aggrieved person*" as definition.

It is therefore stated that the protection of the Act is not available to

any male member, more particularly, the husband.

Issue notice to the respondent through all modes including electronic on the petitioner taking steps, returnable on 14.02.2023.

CRL.M.A. 26158/2022

In the present case, the respondent i.e. the husband of the petitioner has initiated proceedings under Section 12 of the DV Act. Prima facie it seems in view of Section 2(a), the protection of the Act is not available to a male member of the family and more particularly the husband.

For the aforesaid reasons, the proceedings in complaint case No. 1296/2022 pending before the learned MM, Karkardooma Courts, Delhi shall remain stayed till the next date of hearing.

List on 14.02.2023 before the Roster Bench.

JASMEET SINGH, J

JANUARY 23, 2023/ (MS)

Click here to check corrigendum, if any