

16.01.2025

**One regular stenographer as well as regular Addl. PP are on leave today.**

Present: Sh. Manas Verma, Id. Counsel for appellant.

This is an appeal under Section 29 DV Act alongwith an application under Section 5 Limitation Act as well as an application for stay of impugned order dated 16.11.2024.

Ld. Counsel submits that although the appeal is delayed but he seeks urgent indulgence of this Court as there has been threat on the appellant of being implicated in a frivolous criminal case for commission offence under Section 31 DV Act as per the directions of Id. Trial Court, passed in impugned order.

Heard on application for stay.

It is stated that the DV petition itself is not maintainable because complainant has not taken divorce from her previous husband despite that Id. Trial Court in the basis of ex-parte order dated 30.10.2023 not only held the petitioner in violation of protection order but also directed the petitioner to pay ad-interim maintenance of Rs. 20,000/- per month.

It is stated by Id. Counsel that the appellant is serving police official in Delhi Police and was in PM security and therefore, could not take immediate steps but now the police is hounding the appellant and if FIR is registered, it will destroy the career of the appellant. Ld. Counsel has placed reliance on judgment of Hon'ble High Court of Bombay to support the submission that DV petition is not maintainable on the ground that the complainant is already married and has not divorced and

also referred to para7 of application in which there is an admission of complainant that divorce decree of complainant has not been passed because 2<sup>nd</sup> motion was left.

It is further submitted by Id. Counsel for appellant that as per the knowledge of appellant, the complainant/respondent is taking maintenance from her previous husband also at Rs. 80,000/- per month and has also taken a flat from him in Shahdara.

In view of the submissions and the facts brought on record the operation of impugned order dated 16.11.2024 is stayed till next date of hearing.

Issue notice of appeal alongwith the applications to respondent on filing of PF/RC on the next date of hearing.

TCR be also summoned for the next date of hearing.

List on 07.03.2025. At request, copy dasti.

**VIKRAM  
ASJ-II/SPECIAL JUDGE NDPS/  
NORTH-WEST/ROHINI COURTS/  
DELHI/16.01.2025**