

GAHC010271742025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1550/2025

ASHOK AGARWAL
SON OF LATE SRI MAHABIR PRASAD AGARWAL, RESIDENT OF FLAT NO.
A001, RELIAABLE ACACIA APARTMENT BEHIND IBBLUR LAKE, NEAR
MAY FLOWER SCHOOL BELLANDUR, BENGALURU 560 103,
MOBILE NO. 9900154604

2: SITA DEVI
WIFE OF LATE SRI MAHABIR PRASAD AGARWAL
RESIDENT OF FLAT NO. A001
RELIAABLE ACACIA APARTMENT BEHIND IBBLUR LAKE
NEAR MAY FLOWER SCHOOL BELLANDUR
BENGALURU 560 103 MOBILE NO. 636091986SITA DEV

VERSUS

SMT PUJA GARG
DAUGHTER OF SRI RAJDHARI PRASAD MALLAH,PRESENTLY RESIDING
AT HOUSE NO 2B, RADHA NIKETAN, FATASHIL AMBARI,GUWAHATI 781
009

Advocate for the Petitioner : MR C GARG, MS. M K BROWN

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

08.12.2025

Heard Ms. M. Hazarika, learned senior counsel assisted by Mr. C. Garg, learned counsel for the petitioner.

2. Invoking jurisdiction under Section 528 BNSS, the two petitioners herein are seeking quashing of Domestic Violence proceeding being DV Case No. 214 of 2025 pending before the learned JMFC No.6, Kamrup (M) which was registered based on a complaint by the aggrieved person/ sole Respondent under various sections of the DV Act, including Section 12.

3. It is submitted by the learned Senior counsel that the parties have a backdrop of earlier litigation. The petitioner No.1 is the husband of the sole respondent and they got married in 2010 in Bangalore, which was subsequently registered in 2014. The Respondent/wife had filed a divorce proceeding on February, 2023 which was subsequently withdrawn in September, 2024.

4. It is further submitted that thereafter on 20th June 2025, the petitioner filed a divorce proceeding seeking dissolution of his marriage with the sole respondent. It is submitted that there is also a custody proceeding with regard to the child of the parties. On 24.10.2025, the respondent herein filed the aforementioned DV proceeding before the Court.

5. The petitioners are stated to be residents of Bangalore and the petitioner No.1 is presently suffering from some neurological disability to the extent of as much as 80%. The respondent is stated to be resident of Guwahati.

6. It is submitted that the allegations of Domestic Violence apart from being vague and baseless, have also been made suppressing material facts including one case lodged by the petitioner No.2 against the respondent which led to filing of charge-sheet. It is submitted that there is no merit in

the DV proceeding, leaving the petitioners to seek its quashing filed the present proceeding.

7. The petitioner side shall take steps for issuance of notice upon the respondent.

8. Call for the scanned TCR of DV Case No. 214/2025 from the learned Court below.

9. In the given facts and circumstances and upon giving my consideration to the prayer for stay - it is directed that the further proceedings in DV Case No. 214/2025 shall remain **stayed**, till the next date of listing.

10. List the matter in the last week of January/2026 on the date to be fixed by the Registry.

JUDGE

Comparing Assistant