

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CRM(M) 250/2026 CrIM(588/2026).

WASEEM AHMAD MIR AND OTHERS.

.....Petitioner(s)

Through:
Mr. Ishtiyaq Mir, Adv.

Versus

AKSA RASHID.

.....Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
04.05.2026

1. After arguing for a while, the learned counsel for the petitioners was confronted with the maintainability of the instant petition which has been preferred under Section 528 BharatiyaNagarik Suraksha Sanhita (BNSS), 2023, challenging the proceedings in case titled "*Muneera Begum vs. Abdul Rashid Lone*" pending before the District Mobile Magistrate, Sopore, under Domestic Violence Act, 2005, in which the petitioner has rushed to this Court merely after issuance of notice vide order dated 13.04.2026 passed by the District Mobile Magistrate, Sopore, for causing appearance and filing of objections.
2. Learned counsel for the petitioners submits that the allegations in the complaint are directed solely against the husband of the respondent, i.e., petitioner No. 1, and no specific allegations have been levelled against petitioners Nos. 2 to 5. Despite this, notice has been issued to all of them by the District Mobile Magistrate, Sopore. On this basis, the learned counsel for petitioners seeks indulgence of

this Court, however, he has no objection in issuance of notice insofar as petitioner No. 1 is concerned.

3. Upon being further confronted with the question of maintainability, particularly in light of the fact that no objection had been raised before the competent court which has issued the notice against all the petitioners herein and the petitioners had directly approached this Court, learned counsel seeks permission to withdraw the present petition, with liberty to raise the issue by filing appropriate objections before the competent court on behalf of petitioners Nos. 2 to 5.
4. In view of the innocuous prayer made by learned counsel for the petitioners, the instant petition is **dismissed** as withdrawn on account of being premature, with liberty to the petitioners to raise all available objections, insofar as petitioners Nos. 2 to 5 are concerned, before the competent court.
5. It is made clear that as and when the objections are filed before the competent court, the same shall be considered in accordance with law, uninfluenced by any observations made by this Court while disposing of the present petition.

(WASIM SADIQ NARGAL)
JUDGE

Srinagar
04.05.2026
Sakeena