

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 12080/2026
CNR: RJHC010520972026
URN: CW / 21885U / 2026

Smt. Rinku Devi W/o Sh. Ved Prakash, Aged About 38 Years, D/o
Sh. Omprakash R/o Ward No. 19 Purani Abadi Sabji Mandi Sri
Ganganagar Raj.

----Petitioner

Versus

Vedprakash S/o Sh. Hanumanprasad, R/o Sadhuwali Tehsil And
Dist. Sriganganagar

----Respondent

For Petitioner(s)	:	Mr. Ajay Augustine
For Respondent(s)	:	-

HON'BLE MR. JUSTICE FARJAND ALI

Order

06/07/2026

1. An application has been filed on behalf of the petitioner praying that the instant S.B. Civil Writ Petition be treated as a Criminal Miscellaneous Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and seeking permission to carry out all consequential amendments in the cause title, jurisdiction clause, synopsis, stay application, affidavits, index, prayer clause and other connected pleadings.

2. It has been submitted that the challenge in the accompanying petition is directed against an order passed by the learned Additional Chief Judicial Magistrate in proceedings under the Protection of Women from Domestic Violence Act, 2005. Owing

to a bona fide procedural mistake, the matter came to be instituted as a Civil Writ Petition under Article 227 of the Constitution of India, though the appropriate remedy lies by way of a Criminal Miscellaneous Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is further submitted that no new facts are sought to be introduced and only the procedural provision invoking the jurisdiction of this Court requires correction.

3. Having considered the submissions made and upon perusal of the material available on record, this Court is satisfied that the mistake in filing the petition as a Civil Writ Petition appears to be bona fide. The proposed conversion does not alter the nature of the controversy or the substantive relief claimed, nor does it prejudice the respondents in any manner. On the contrary, permitting such conversion would advance the cause of justice and obviate unnecessary multiplicity of proceedings.

4. Accordingly, the application is allowed. The Registry is directed to permit the petitioner to carry out all consequential amendments in the cause title and other connected pleadings. Upon carrying out such amendments, the Registry shall re-register the present S.B. Civil Writ Petition as an S.B. Criminal Miscellaneous Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assign an appropriate number thereto and place the matter before the appropriate Bench in accordance with the Rules.

5. Consequently, the present S.B. Civil Writ Petition stands disposed of for statistical purposes, with liberty to the Registry to proceed in terms of the directions contained herein.

(FARJAND ALI),J