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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.M.C. 4845/2025, CRL.M.A. 21003/2025 & CRL.M.A.  
21004/2025

NISHEETH KOHLI

.....Petitioner

Through: Mr. Randhir Kumar, Mr. Amit Kumar  
and Ms. Khushboo Sharma, Advs.

versus

SONAL MALIK

.....Respondent

Through: Mr. Prateek Goswami, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE AJAY DIGPAUL**

**ORDER**

**22.07.2025**

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**AJAY DIGPAUL, J.**

1. By way of the present petition, the petitioner seeks to set aside orders dated 01.11.2023, 20.06.2024 and 23.10.2024, passed under Section 23 of Domestic Violence Act, 2005<sup>1</sup> by the Court of MM (Mahila Court)-01, North, District Court, Rohini, Delhi in Ct. Case No. 55/2017 titled *Sonal Malik @ Sonal Kohli v. Nisheeth Kohli & Ors.*

2. At the outset, Mr. Prateek Goswami, learned Counsel for the respondent submits that the present petition is not maintainable under Article 227 of the Constitution of India read with Section 428 of Bharatiya Nagarik Suraksha Sanhita ("BNSS"), as the impugned orders dated

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<sup>1</sup> "The Act", hereinafter



01.11.2023, 20.06.2024 and 23.10.2024 are challengeable only under the specific provision of the Act.

3. Section 29 of the Act prescribes appeal which reads thus:

“29. Appeal.—There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.”

4. At this stage, learned Counsel for the petitioner seeks leave to withdraw this petition and approach the concerned court by availing the remedy under Section 29 of the Act.

5. Accordingly, leave is granted and the petitioner is at liberty to approach the concerned court in accordance with the law.

6. In view of the above, the petition is dismissed as withdrawn.

7. It is made clear that the observations made hereinabove shall not to be construed as an expression of this Court on the merits of the case before the concerned court.

**AJAY DIGPAUL, J**

**JULY 22, 2025/ar**