



2026:DHC:7772



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Judgment reserved on: 02.09.2026**Judgment pronounced on: 07.09.2026**Judgment uploaded on: 10.09.2026*# **CNR No. DLHC010059212024**+ **CRL.REV.P. 203/2024 & CRL.M.A. 18556/2026****MR BIJENDER SINGH**

.....Petitioner

Through: Mr. Rishabh Kumar, Advocate

versus

MRS ANJANA SINGH

.....Respondent

Through: Mr. Prashant Mendiratta,
Advocate.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J****CRL.M.A. 11865/2026 (clarification of order dated 28.10.2025)**

1. By way of the present application, the applicant-respondent seeks clarification of the order dated 28.10.2025, passed by this Court, to the effect that there is no stay on the proceedings in Ct. Case No. 2028/2022, filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [hereafter '**PWDV Act**'], pending before the learned MM (Mahila Court)-01, Patiala House Courts, New Delhi [hereafter '**Trial Court**'].

2. By way of the captioned petition, the petitioner-husband



2026:DHC:7772



essentially seeks dismissal/quashing of the complaint filed by the respondent-wife under Section 12 of the PWDV Act.

3. The learned counsel appearing for the applicant/respondent states that the present application has been filed seeking a limited clarification as to whether, in the absence of any subsisting order staying the proceedings before the learned Trial Court, the latter is at liberty to hear and decide the application seeking interim relief under Section 23 of the PWDV Act. The learned counsel submits that the petitioner had filed the present petition on 13.02.2024, along with an application seeking stay of the proceedings arising out of the complaint under Section 12 of the PWDV Act. It is submitted that, on 14.02.2024, this Court merely directed the matter before the learned Trial Court to be adjourned beyond the date fixed before this Court. It is further submitted that, thereafter, on 28.10.2025, this Court again directed the learned Magistrate to adjourn the matter to a date in the fourth week of November, 2025. He further submits that neither of the aforesaid orders amounts to, or operates as, an indefinite or blanket stay of the proceedings before the learned Trial Court. It is submitted that there is no subsisting order of this Court restraining the learned Trial Court from considering the application under Section 23 of the PWDV Act. It is stated that the mere pendency of the present Criminal Revision Petition cannot, by itself, be construed as a stay of the proceedings before the learned Trial Court, particularly when there is no specific order to that effect. It is



2026:DHC:7772



submitted that any stay of proceedings has to flow from an express order of the Court and cannot be presumed merely from the pendency of the revision petition. The learned counsel submits that the respondent and her children are presently residing in rented accommodation at Gurugram and are unable to enter the shared household, which, according to the respondent, is owned by her. It is submitted that the respondent and her children have also been subjected to threats and harassment by persons allegedly brought into the shared household by the petitioner. The learned counsel submits that the application under Section 23 of the PWDV Act concerns interim relief and is intended to address the immediate circumstances of the aggrieved person. The respondent cannot be deprived of consideration of such interim relief merely because the present revision petition is pending before this Court. It is further submitted that the respondent has already filed her written submissions before this Court on 18.01.2026 *vide* Diary No. 33645/2026 and is ready to proceed with the matter. It is submitted that permitting the learned Trial Court to consider the interim application would cause no prejudice to the petitioner, who would continue to have all remedies available to him in accordance with law. The learned counsel, therefore, submits that the present application may kindly be allowed and it may be clarified that, in the absence of any subsisting order staying the proceedings, the learned Trial Court is at liberty to hear and decide the application under Section 23 of the PWDV Act, 2005,



in accordance with law.

4. The learned counsel appearing for the petitioner opposes the present application and argues that, considering the submissions advanced on behalf of the petitioner on 28.10.2025, this Court had listed the matter on 10.11.2025 and had directed the learned Trial Court to adjourn the matter to a date later than the date fixed before this Court, i.e. in the fourth week of November, 2025. The said interim order was continued by the successor Benches on the subsequent dates of hearing. Therefore, he argues that, in substance, the learned Trial Court has been directed by this Court not to proceed with the matter pending the present petition, and that this interim order has remained in place since 28.10.2025.

5. This Court has **heard** arguments addressed on behalf of the petitioner as well as the applicant/respondent, and has perused the case file.

6. It is pertinent to note that the first order in the present case was passed by the predecessor Bench on 14.02.2024. The said order recorded that the learned counsel for the respondent had himself volunteered to seek an adjournment before the learned Trial Court and request that the matter be posted beyond the date fixed before this Court. However, no such direction was passed in the subsequent orders when the matter was taken up by the same Bench as well as by the successor Benches.



7. When the matter was taken up by this Court on 28.10.2025, the direction to the learned Trial Court to adjourn the matter to a date beyond the date fixed before this Court was issued, keeping in mind that the outcome of the present case may have a bearing on the proceedings pending before the learned Trial Court, since the complaint filed under Section 12 of the PWDV Act itself has been challenged by the petitioner. The direction issued by this Court was as under:

“6. In the meanwhile, the learned Magistrate will adjourn the matter to a date in the fourth week of November, 2025.”

8. The aforesaid direction, thus, did operate as an interim restraint on the continuation of the proceedings before the learned Trial Court. The learned Trial Court was directed to adjourn the matter and, consequently, was not at liberty to proceed with the matter during the period contemplated by the said direction. It is also to be noted that the interim direction issued on 28.10.2025 was thereafter continued on 10.11.2025, 21.01.2026 and 30.03.2026, only thereafter was the present application filed and listed before this Court on 17.04.2026. In thereof, this Court is of the considered view that no clarification, as such, is warranted, since it is apparent from the orders passed on the aforesaid dates that a limited interim direction had been issued and was continued on subsequent dates.

9. It is, however, equally pertinent to note that the said direction was issued in the context of the proceedings pending before this



Court and was intended to ensure that the matter before the learned Trial Court was not taken up in a manner that could render the present petition infructuous. The direction was also issued keeping in mind that the issue involved in the present petition would have a bearing on the proceedings pending before the learned Trial Court. The said direction was, therefore, an interim arrangement in the facts of the present case, and not a determination that the proceedings before the learned Trial Court were to remain stayed indefinitely during the pendency of the present revision petition.

10. Be that as it may, since this Court is not the concerned Roster Bench, it would be appropriate to leave it to the concerned Roster Bench to consider whether, in the facts and circumstances of the present case, the interim restraint on the proceedings before the learned Trial Court ought to continue during the pendency of the present revision petition.

11. The main petition is already listed before the concerned Roster Bench on 17.11.2026. The parties shall be at liberty to raise their respective contentions before the concerned Roster Bench as to whether the learned Trial Court ought to be permitted to proceed with the matter or whether the interim restraint on the proceedings ought to continue during the pendency of the present revision petition.

12. It is clarified that the application seeking stay of the proceedings was neither heard on merits nor decided by this Court.



2026:DHC:7772



13. With above observations, the present application i.e. CRL.M.A. 11865/2026 is disposed of.

14. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
SEPTEMBER 07, 2026/vc