



2026:DHC:4965



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

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Judgment reserved on: 18.03.2026
Judgment pronounced on: 30.05.2026
Judgment uploaded on: 30.05.2026

+ **CRL.M.C. 7205/2024, CRL.M.A. 27517/2024, CRL.M.A. 4183/2025, CRL.M.A. 13047/2025 & CRL.M.A. 26328/2025**

RAGHURAJ PRATAP SINGHPetitioner

Through: Mr. Dhruv Gupta and Mr.
Anubhav Garg, Advocates

versus

BHANVI KUMARI SINGHRespondent

Through: Mr. Arvind Kumar Shukla,
Ms. Surbhi Khanna, Ms.
Neena Shukla and Mr.
Kushagra Sinha, Advocates**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****J U D G M E N T****Index to the Judgment**

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DR. SWARANA KANTA SHARMA, J

1. Whether proceedings arising out of an application filed by a wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [hereafter '*PWDV Act*'] against her husband, who is a sitting Member of Legislative Assembly, are to be instituted and proceeded with before the designated criminal court constituted for sitting and former MPs/MLAs, or before the jurisdictional Magistrate under the PWDV Act? This is the issue that arises for consideration in the present petition.

FACTUAL BACKGROUND

2. The petitioner seeks setting aside of the impugned summoning order dated 08.07.2024 passed by the learned ACJM-04, Rouse Avenue Courts, Delhi, which is a designated Magisterial Court for sitting and former MPs/MLAs [hereafter '*ACJM*'], in Ct. Case no. 12/2024, as well as all consequential proceedings emanating therefrom, primarily on the ground that the learned ACJM lacks territorial jurisdiction under Section 27 of the PWDV Act to entertain and proceed with the case in question, and that the proceedings under PWDV Act can be instituted and continued only before the concerned



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learned Magistrate of South District, Saket Courts, Delhi.

3. The brief facts, as set out in the petition, are that the marriage between the petitioner and the respondent was solemnized on 17.02.1995 in accordance with Hindu rites and customs. Four children were born out of the wedlock, all of whom are now major. The petitioner is presently a sitting MLA from the Kunda constituency in Uttar Pradesh, having been elected in the year 2022. It is stated that in July 2017, following certain matrimonial disputes, the respondent had left the matrimonial home in Uttar Pradesh and has been residing in Delhi since then. On 15.11.2022, the petitioner had filed a divorce petition under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955 [hereafter '*HMA*'] before the learned Family Court, South District, Saket Courts, New Delhi, which is presently pending at the stage of completion of pleadings. Thereafter, in November 2023, the respondent had filed a petition under Section 9 of the HMA seeking restitution of conjugal rights before the same Court, which is also pending adjudication. It is further stated that on 30.04.2024, the respondent had filed an application under Section 12 of the PWDV Act before the learned Metropolitan Magistrate, South District, Saket Courts, New Delhi. However, on 18.05.2024, prior to issuance of summons, the respondent withdrew the said application citing – Notification no. 35 dated 23.02.2018 – relating to trial of cases against sitting and former MPs/MLAs by designated Courts, and the application was accordingly returned.



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4. Subsequently, on 31.05.2024, the respondent filed a fresh application under Section 12 of the PWDV Act before the designated MP/MLA Court at Rouse Avenue Courts, New Delhi. *Vide* the impugned order dated 08.07.2024, summons were issued to the petitioner by the learned ACJM, pursuant to which he entered appearance on 05.08.2024.

RIVAL CONTENTIONS

5. The learned counsel appearing for the petitioner contends that the impugned summoning order suffers from non-application of mind and is without jurisdiction, since the learned ACJM, Rouse Avenue Court, lacks territorial jurisdiction under Section 27 of the PWDV Act to entertain the proceedings. It is argued that even as per the respondent's own case, the jurisdiction of the Rouse Avenue Court was invoked solely on account of the petitioner being a sitting MLA, whereas the competent court in terms of Section 27 of the PWDV Act would be the concerned learned Magistrate at South District, Saket Courts, Delhi, where the respondent is residing and where other matrimonial proceedings between the parties are already pending. It is further submitted that the respondent has wrongly relied upon Notification no. 35 dated 23.02.2018 relating to designated Courts for trial of cases against sitting and former MPs/MLAs. The learned counsel argues that the said notification was issued pursuant to the directions passed by the Hon'ble Supreme Court in *Ashwini Kumar Upadhyay v. Union of India & Anr.: W.P.(C) 699/2016*, concerning



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expeditious disposal of pending criminal cases against MPs/MLAs, and the same cannot be extended to proceedings under Section 12 of the PWDV Act, which are predominantly civil in nature. The learned counsel appearing for the petitioner further argues that proceedings under the PWDV Act have consistently been held to be civil in nature by the Hon'ble Supreme Court as well as this Court. Reliance is placed on *Kunapareddy alias Nookala Shanka Balaji v. Kunapareddy Swarna Kumari*: (2016) 11 SCC 774, wherein the Hon'ble Supreme Court observed that the remedies under Sections 18 to 23 of the PWDV Act are civil remedies. Reliance is also placed upon the decision of this Court in *Anish Pramod Patel v. Kiran Jyot Maini*: 2023:DHC:8588 to contend that the PWDV Act is a social welfare legislation intended to provide civil remedies to victims of domestic violence. It is therefore argued that proceedings under Section 12 of the PWDV Act could not have been entertained by a designated criminal court constituted for trial of criminal cases against MPs/MLAs. It is also submitted that an application under Section 12 of the PWDV Act is not a "complaint" within the meaning of Section 2(d) of the Cr.P.C./Section 2(1)(h) of the BNSS, and that the procedure contemplated under Sections 190 and 200 to 204 of Cr.P.C. has no application to such proceedings. The learned counsel submits that no offence is alleged in an application under Section 12 of the PWDV Act, and that an offence under the Act arises only upon breach of an order passed under the Act, punishable under Section 31 thereof. It is also argued that the respondent had initially filed the



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application under Section 12 of the PWDV Act before the learned Metropolitan Magistrate, Saket Courts, but withdrew the same and thereafter filed an identical application before the Rouse Avenue Court only to invoke the jurisdiction of the designated MP/MLA Court, and the same amounts to forum shopping and harassment.

6. The learned counsel appearing for the respondent submits that the present petition is devoid of merit since the learned ACJM, Rouse Avenue Court, is fully competent to entertain and adjudicate the application filed under Section 12 of the PWDV Act. It is argued that under Sections 2(i) and 27 of the PWDV Act, a Judicial Magistrate First Class or Metropolitan Magistrate exercising jurisdiction under the Cr.P.C./BNSS is the competent court to deal with proceedings under the Act, subject to territorial jurisdiction. Since the learned ACJM presiding over the designated MP/MLA Court continues to function as a Metropolitan Magistrate exercising criminal jurisdiction under the Cr.P.C./BNSS, the said Court cannot be said to lack jurisdiction merely because it has been assigned MP/MLA matters by way of an administrative order. The learned counsel further submits that the Notification dated 23.02.2018 issued by this Court pursuant to the directions of the Hon'ble Supreme Court in *Ashwini Kumar Upadhyay (supra)* was intended to ensure expeditious adjudication of cases involving sitting and former MPs/MLAs. It is argued that the designated MP/MLA Court is not a separate or special court created under any independent statute, but only a regular ACMM/ACJM Court entrusted with cases concerning elected representatives.



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Therefore, the learned ACJM does not cease to be a Magistrate competent to exercise jurisdiction under the PWDV Act. It is also contended that though proceedings under the PWDV Act contain certain civil remedies, they are adjudicated by a Magistrate following criminal procedure. Reliance is placed upon Section 28 of the PWDV Act, which provides that proceedings under Sections 12, 18, 19, 20, 21, 22 and 23 of the Act shall be governed by the provisions of the Cr.P.C. Reliance is also placed upon the judgment of the Hon'ble Supreme Court in *Kunapareddy Swarna Kumari (supra)* to submit that proceedings under the PWDV Act, though predominantly civil in nature, are nevertheless governed by criminal procedural law before the Magistrate. The learned counsel appearing for the respondent further argues that the petitioner's contention that the proceedings ought to continue before an ordinary civil forum is misconceived, since the Magistrate under the PWDV Act is also empowered to deal with breaches of protection orders punishable under Section 31 of the Act. It is submitted that if the interpretation suggested by the petitioner is accepted, the very object behind constitution of designated MP/MLA Courts for expeditious disposal of cases involving elected representatives would stand frustrated, and elected representatives would be able to avoid such Courts merely by raising objections regarding the nature of proceedings. It is lastly submitted that allegations of forum shopping are wholly unfounded. According to the respondent, the earlier application filed before the Saket Courts was withdrawn only in view of the Notification dated 23.02.2018 and



the understanding that matters concerning sitting MPs/MLAs were required to be placed before the designated MP/MLA Court.

7. This Court has **heard** arguments addressed on behalf of the petitioner as well as the respondent, and has considered the material placed on record.

ANALYSIS & FINDINGS

8. In order to adjudicate the controversy involved in the present petition, it would be necessary for this Court to first examine the statutory scheme of the PWDV Act, particularly the nature of proceedings contemplated under the Act, the forum prescribed by the legislature for adjudication of such proceedings, and the scope and jurisdiction of the designated Court for sitting and former MPs/MLAs.

A. Scheme of PWDV Act

9. Section 12 of the PWDV Act enables an aggrieved person, a Protection Officer, or any other person on behalf of the aggrieved person, to present an application before the Magistrate seeking one or more reliefs under the Act. Section 12 of the Act reads as under:

“12. Application to Magistrate.

(1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act:

Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the



service provider.

(2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent:

Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Civil Procedure Code, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.

(3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.

(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

(5) The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.”

10. The term “Magistrate”, as appearing in Section 12, has been defined under Section 2(i) of the PWDV Act as under:

“2(i) “**Magistrate**” means the Judicial Magistrate of the first class, or as the case may be, the Metropolitan Magistrate, exercising jurisdiction under the Criminal Procedure Code, 1973 (2 of 1974) in the area where the aggrieved person resides temporarily or otherwise or the respondent resides or the domestic violence is alleged to have taken place”

11. A perusal of the aforesaid provision reflects that the legislature has vested jurisdiction under the PWDV Act – in a Judicial



Magistrate of the First Class or a Metropolitan Magistrate exercising jurisdiction under the Cr.P.C. (now BNSS) in the area concerned.

12. Chapter IV of the PWDV Act further enumerates the nature of reliefs which may be granted to an aggrieved person who has been subjected to domestic violence. These include:

- (i) protection orders under Section 18;
- (ii) residence orders under Section 19;
- (iii) monetary reliefs under Section 20;
- (iv) custody orders under Section 21; and
- (v) compensation orders under Section 22.

B. Nature of Remedies under PWDV Act

13. One of the principal contentions raised on behalf of the petitioner is that since the reliefs contemplated under Sections 18 to 22 of the PWDV Act are civil in nature, proceedings under Section 12 of the Act ought not to continue before the designated MP/MLA Court constituted for criminal cases involving elected representatives. It therefore becomes necessary to examine the nature of proceedings under the PWDV Act.

14. The observations of the Hon'ble Supreme Court in *Kunapareddy Swarna Kumari (supra)*, in this regard, are set out below:

“11.In respect of the petition filed under Sections 18 and 20 of the DV Act, the proceedings are to be governed by the Code, as provided under Section 28 of the DV Act. At the same



time, it cannot be disputed that these proceedings are predominantly of civil nature.

12. In fact, the very purpose of enacting the DV Act was to provide for a remedy which is an amalgamation of civil rights of the complainant i.e. aggrieved person. Intention was to protect women against violence of any kind, especially that occurring within the family as the civil law does not address this phenomenon in its entirety. It is treated as an offence under Section 498-A of the Penal Code, 1860. The purpose of enacting the law was to provide a remedy in the civil law for the protection of women from being victims of domestic violence and to prevent the occurrence of domestic violence in the society...”

15. In *Shaurabh Kumar Tripathi v. Vidhi Rawal*: 2025 SCC OnLine SC 1158, the Hon’ble Supreme Court held as under:

“28.1 Thus, there is no doubt that, notwithstanding the penal provisions in the form of Sections 31 and 33 of Chapter V, the proceedings before the Magistrate under the DV Act, 2005, are predominantly of a civil nature.”

16. Therefore, there can be no dispute with the proposition that the remedies available to an aggrieved woman under the PWDV Act, including protection orders, residence orders, monetary reliefs, custody orders and compensation orders, are predominantly civil in nature. Such reliefs, by themselves, do not result in imposition of any criminal punishment upon the respondent.

17. However, the nature of reliefs provided under the PWDV Act is not the sole aspect requiring consideration. The statute also contemplates certain penal consequences and prescribes a specific forum and procedure for adjudication of proceedings under the Act,



which also merits examination in this judgment.

C. Offence under PWDV Act

18. There is yet another important aspect of the statutory scheme of the PWDV Act which cannot be overlooked. Though the reliefs contemplated under Sections 18 to 22 of the Act are predominantly civil in nature, breach or non-compliance of certain orders passed thereunder, particularly a protection order or interim protection order, itself constitutes an offence under Section 31 of the PWDV Act. Sections 31 and 32 of the PWDV Act read as under:

“31. Penalty for breach of protection order by respondent.

(1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

(2) The offence under sub-section (1) shall as far as practicable be tried by the Magistrate who had passed the order, the breach of which has been alleged to have been caused by the accused.

(3) While framing charges under sub-section (1), the Magistrate may also frame charges under section 498A of the Indian Penal Code (45 of 1860) or any other provision of that Code or the Dowry Prohibition Act, 1961 (28 of 1961), as the case may be, if the facts disclose the commission of an offence under those provisions.

32. Cognizance and proof.

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence under sub-section (1) of section 31 shall be cognizable and non-bailable.

(2) Upon the sole testimony of the aggrieved person, the court may conclude that an offence under sub-section (1) of section 31 has been committed by the accused.”



19. A perusal of the aforesaid provisions makes it clear that breach of a protection order or interim protection order is a statutory offence punishable with imprisonment which may extend to one year, or fine, or both. Further, Section 32 expressly provides that such offence shall be cognizable and non-bailable. Further, under Section 31(3), while framing charge for the offence under Section 31(1), the Magistrate is also empowered to frame charges under Section 498A IPC or any other penal provision of the IPC or the Dowry Prohibition Act, 1961, if the facts so disclose.

20. Therefore, while proceedings under Section 12 of the PWDV Act may predominantly involve civil remedies, the statute itself contemplates criminal consequences in cases of breach of orders passed thereunder. The scheme of the Act thus reflects a combination of civil remedies, and criminal enforcement mechanisms.

D. Legislature consciously vested jurisdiction in JMFC/MM

21. Thus, even though the substantive reliefs contemplated under the PWDV Act may largely be civil in nature, the legislature has consciously vested jurisdiction for adjudication of such proceedings in a Judicial Magistrate First Class or Metropolitan Magistrate.

22. Sections 27 and 28 of the PWDV Act, which deal with jurisdiction and procedure respectively, and are reproduced hereunder:

“27. Jurisdiction.

(1) The court of Judicial Magistrate of the first class or the



Metropolitan Magistrate, as the case may be, within the local limits of which —

- (a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or
- (b) the respondent resides or carries on business or is employed; or
- (c) the cause of action has arisen,

shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.

(2) Any order made under this Act shall be enforceable throughout India.”

28. Procedure.

(1) Save as otherwise provided in this Act, all proceedings under Sections 12, 18, 19, 20, 21, 22 and 23 and offences under Section 31 shall be governed by the provisions of the Criminal Procedure Code, 1973 (2 of 1974).

(2) Nothing in sub-section (1) shall prevent the court from laying down its own procedure for disposal of an application under Section 12 or under sub-section (2) of Section 23.”

23. As per Section 28 of the PWDV Act, all proceedings under Sections 12, Sections 18 to 23 and Section 31 are to be governed by the Cr.P.C. Moreover, Section 27 of the PWDV Act specifically provides that the Court of Magistrate shall be the competent court not only to grant protection orders and other reliefs under the Act, but also to try offences under the Act. Therefore, the same Magistrate has been empowered both to grant civil reliefs under the Act and to deal with offences arising therefrom.

24. Section 31(2) of PWDV Act further strengthens the aforesaid legislative intent by providing that, as far as practicable, an offence under Section 31(1) shall be tried by the Magistrate who had passed



the order alleged to have been breached. Thus, the statutory framework itself envisages continuity of proceedings before the same Court of Magistrate.

25. In this regard, the observations of the Hon'ble Supreme Court in *Shaurabh Kumar Tripathi (supra)* are also relevant and are reproduced below:

“**23.1.** So, the Court of the Judicial Magistrate of the First Class or the Metropolitan Magistrate, as the case may be, has jurisdiction to entertain applications under Section 12 of the DV Act, 2005 as can be seen from the provisions of Sections 12 and 27 read with clause (i) of Section 2 of the DV Act, 2005.

26. Under the CrPC, Chapter II deals with the constitution of Criminal Courts and Offices. The Courts of Session, Judicial Magistrates of the First Class and in any metropolitan area, Metropolitan Magistrates, Judicial Magistrates of the Second Class and Executive Magistrates are Criminal Courts as provided in Section 6 of the CrPC. Therefore, the Courts of Metropolitan Magistrates and Judicial Magistrates of First Class, which are empowered to entertain applications under Section 12 and to grant reliefs under the DV Act, 2005, are Criminal Courts. Similarly, under the BNSS, Section 6 thereof provides that Courts of Session, Judicial Magistrates of the First Class, Judicial Magistrates of the Second Class and Executive Magistrates are Criminal Courts. Under the BNSS, there is no category of Metropolitan Magistrates. Therefore, the jurisdiction to entertain a complaint vests in a Criminal Court under the CrPC.”

26. The aforesaid observations clearly reiterate that proceedings under the PWDV Act are to be entertained by Criminal Courts i.e. Courts of Metropolitan Magistrates or Judicial Magistrates First Class exercising jurisdiction under the Cr.P.C./BNSS. Therefore, the



mere fact that the remedies under the Act are predominantly civil in nature does not imply that the proceedings are to be adjudicated by a civil court or Family Court.

27. In fact, this Court finds it pertinent to note that both parties before this Court are *ad idem* on the proposition that proceedings under Section 12 of the PWDV Act are required to be instituted before a Court of Magistrate in terms of Sections 2(i) and 27 of the PWDV Act. The controversy, therefore, is not whether such proceedings should continue before a civil court or a criminal court, but only as to which Court of Magistrate would be the competent forum in the facts of the present case.

E. Nature and Character of a Designated MP/MLA Court

28. At this stage, it also becomes necessary to examine the nature and character of the designated MP/MLA Courts.

29. This Court cannot lose sight of the fact that certain Courts in Delhi were designated for adjudicating matters pertaining to MP/MLA, in Delhi, pursuant to a series of directions issued by the Hon'ble Supreme Court in *Ashwini Kumar Upadhyay (supra)* concerning expeditious disposal of cases involving sitting and former Members of Parliament and Members of Legislative Assemblies. Pursuant thereto, from time to time, notifications and administrative orders were issued by this Court assigning such matters to designated courts both at the level of Sessions Courts and Magistrate Courts.



30. The principal argument raised on behalf of the petitioner is that since certain Courts were designated as MP/MLA Courts pursuant to the directions of the Hon'ble Supreme Court, for dealing with criminal cases against sitting and former MPs/MLAs, proceedings under Section 12 of the PWDV Act ought not to continue before such Court. *However, this Court is unable to accept the said contention, for the reason that* a Court designated for adjudicating matters pertaining to sitting and former MPs/MLAs is not a separate statutory court created under any special law. Rather, the designated MP/MLA Court continues to be a regular Court of Sessions or ACJM exercising jurisdiction under the Cr.P.C. (*now BNSS*). The only distinction is that, pursuant to the directions of the Hon'ble Supreme Court and administrative orders of this Court, criminal cases involving sitting and former MPs/MLAs have been assigned to such Courts for their expeditious adjudication and disposal. Thus, this designation relates to administrative allocation of cases, and not to creation of a separate class of court outside the ordinary criminal court structure.

31. Therefore, merely because an ACJM has been assigned matters concerning MPs/MLAs, the said Court cannot cease to be a Court of 'Magistrate' within the meaning of Sections 2(i) and 27 of the PWDV Act.

32. Moreover, initially, specific courts were designated *vide* administrative orders issued by this Court for dealing with cases



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concerning MPs/MLAs and, over a period of time, the number and nature of such designated courts were modified through subsequent notifications issued by this Court. As of now, in terms of Notification no. 5384/DHC/Gaz/G-2/2022 dated 28.09.2022, six courts at Rouse Avenue Courts Complex, Delhi have been assigned matters relating to sitting and former MPs/MLAs, comprising three Courts of learned Special Judges (PC Act) and three Courts of learned ACJMs.

33. Thus, the system presently operating in Delhi reflects an administrative arrangement whereby cases involving MPs and MLAs, whether sitting or former, are assigned to identified courts for the purpose of centralized and expeditious adjudication. However, such assignment does not alter the fundamental nature or character of the courts concerned. The learned ACJMs functioning as designated MP/MLA Courts continue to exercise jurisdiction as Courts of Magistrate under the Cr.P.C./BNSS.

34. Another aspect which merits consideration is that, so far as territorial jurisdiction under Section 27 of the PWDV Act is concerned, there appears to be no dispute that the respondent-wife has been residing in Delhi since the year 2017 and that the proceedings under the PWDV Act have also been instituted on the basis that part of the cause of action has arisen within Delhi. Therefore, the requirement of territorial jurisdiction under Section 27 of the PWDV Act, insofar as the State of Delhi is concerned, stands satisfied. Ordinarily, in terms of territorial allocation within the Delhi



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judiciary, such proceedings would lie before the concerned Court of Magistrate exercising jurisdiction over the South District, Saket Courts, Delhi, as accepted by both the parties.

35. However, as already discussed hereinabove, pursuant to the directions issued by the Hon'ble Supreme Court in *Ashwini Kumar Upadhyay (supra)* and the notifications issued by this Court from time to time, all criminal cases involving sitting and former MPs/MLAs, whether triable by a Magistrate or a Sessions Court, have been assigned to designated courts at Rouse Avenue Courts Complex, Delhi, regardless of the aspect of territorial jurisdiction.

36. Thus, once territorial jurisdiction within Delhi is otherwise made out, the question essentially concerns allocation of the matter within the judicial system in Delhi. The assignment of such matters to the designated MP/MLA Courts at Rouse Avenue is an administrative arrangement applicable to cases involving sitting and former MPs/MLAs, in terms of the decision of Hon'ble Supreme Court. Therefore, merely because the present proceedings have been instituted before the designated MP/MLA Court of ACJM at Rouse Avenue, instead of the concerned Magistrate at Saket Courts, does not render the proceedings without jurisdiction.

G. Practical Consequences of Accepting the Interpretation Suggested by the Petitioner

37. This Court is also of the opinion that the interpretation sought to be advanced by the petitioner can lead to multiplicity of



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proceedings, which is avoidable if his interpretation is not accepted. As already discussed hereinabove, though proceedings under Section 12 of the PWDV Act involve grant of reliefs which are primarily of civil nature, breach of a protection order or interim protection order constitutes an offence under Section 31 of the Act, which is cognizable and non-bailable in terms of Section 32. Further, Section 31(2) itself contemplates that such offence, as far as practicable, shall be tried by the same Magistrate who had passed the order alleged to have been breached.

38. Therefore, if the submission of the petitioner is accepted and proceedings under Section 12 of the PWDV Act against a sitting MLA are permitted to continue before an ordinary jurisdictional Magistrate, a situation may subsequently arise where, upon an alleged breach of protection order attracting Sections 31 and 32 of the Act, the matter may then have to be transferred to the designated MP/MLA Court in view of the accused being a sitting MLA and the proceedings having acquired the character of prosecution for a cognizable offence.

39. In this Court's view, such an interpretation would result in the possibility of inconsistent proceedings before different courts arising out of the same dispute between the parties, i.e. the civil reliefs available under the PWDV Act may be prayed to be adjudicated by a different Court and the penal consequences by a special designated Court to try offences against sitting and former MPs/MLAs. The



legislative intent reflected in Section 31(2) – that the same Magistrate should, as far as practicable, continue with the matter – would also stand defeated.

40. In the opinion of this Court, a construction and interpretation of law, which avoids such procedural complications and ensures continuity of proceedings, deserves to be preferred and accepted by a Constitutional Court.

H. Absence of Prejudice to the Petitioner

41. Be that as it may, this Court also finds merit in the submission of the respondent that no prejudice has been demonstrated by the petitioner merely because the case under PWDV Act has been instituted before the designated MP/MLA Court at Rouse Avenue Courts instead of the concerned Magistrate at Saket Courts. Both Courts are Courts of competent Magistrates situated within Delhi and exercising jurisdiction under the Cr.P.C. (*now BNSS*).

42. The petitioner has neither been able to point out any denial of fair hearing nor any procedural illegality arising solely on account of the proceedings being entertained by the designated MP/MLA Court. Further, it is not the petitioner's case that proceedings at Rouse Avenue Courts would cause any exceptional inconvenience which would warrant interference by this Court in exercise of its jurisdiction. In these circumstances, the objection raised by the petitioner appears to be more technical in nature, particularly when the jurisdiction of the Court of Magistrate under the PWDV Act is



otherwise not in dispute.

43. This Court must also keep in mind the object behind the constitution of designated Courts for cases involving sitting and former MPs/MLAs, which was ensuring expeditious disposal of cases involving elected representatives. The underlying purpose was that cases concerning MPs and MLAs should not remain pending indefinitely and should be dealt with in a time-bound manner, keeping in view larger considerations of public confidence in the administration of justice and the functioning of democratic institutions. Therefore, once a system has been created for centralized and expeditious adjudication of cases involving elected representatives, the same cannot be rendered ineffective merely on the ground that the proceedings under the PWDV Act involve civil reliefs, especially when such proceedings are otherwise conducted by a Court exercising criminal jurisdiction.

44. This Court is also of the opinion that continuation of proceedings before the designated MP/MLA Court would not, in any manner, defeat the object or scheme of the PWDV Act. The respondent-wife continues to have rights to seek all remedies available under the PWDV Act including protection orders, residence orders, monetary reliefs, custody orders and compensation orders. *Likewise*, the petitioner continues to enjoy all procedural safeguards available under the Act, to challenge any order passed against him. Thus, the nature of reliefs available under the PWDV Act, the



procedure governing the proceedings, and the appellate or revisional remedies available to the parties remain unchanged merely because the matter is being dealt with by the designated MP/MLA Court at Rouse Avenue Courts.

45. Therefore, this Court finds no prejudice likely to be caused to either party on account of the proceedings continuing before the learned ACJM, Rouse Avenue Courts.

CONCLUSION & DECISION

46. In view of the foregoing discussion, this Court is of the considered opinion that the designated MP/MLA Court at Rouse Avenue Courts, Delhi, presided over by the learned ACJM, continues to remain a Court of Magistrate exercising jurisdiction under the Cr.P.C. (now *BNSS*), and thus, also a competent Court within the meaning of Sections 2(i) and 27 of the PWDV Act. Merely because the proceedings under Section 12 of the PWDV Act involve predominantly civil reliefs does not imply that such proceedings cease to be triable by a Court of Magistrate, especially when the statutory framework of the PWDV Act itself contemplates application of Cr.P.C., as well as penal consequences under Sections 31 and 32 of the Act. Once territorial jurisdiction within Delhi is otherwise satisfied, institution of the case before the designated MP/MLA Court at Rouse Avenue Courts is essentially an administrative arrangement pursuant to the directions issued by the Hon'ble Supreme Court and notifications issued by this Court from



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time to time.

47. Accordingly, this Court finds no infirmity in the impugned summoning order dated 08.07.2024 passed by the learned ACJM-04, Rouse Avenue Courts, Delhi, or in the consequential proceedings arising therefrom.

48. The present petition is therefore dismissed alongwith pending applications, if any.

49. It is clarified that nothing expressed herein shall tantamount to an opinion on the merits of the allegations involved in the proceedings under the PWDV Act.

50. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 30, 2026/zp

T.D.