

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA**

**ON THE 26<sup>th</sup> OF APRIL, 2024**

**MISC. CRIMINAL CASE No. 30 of 2024**

**BETWEEN:-**

**SMT. DEEPALI CHOUDHARY D/O SHRI  
BADRI PRASAD CHOUDHARY, AGED  
ABOUT 33 YEARS, OCCUPATION:  
PRIVATE JOB PRESENTLY RESIDING AT  
HOUSE NO 20/A EKTA CHOWK M.R.  
FOUR ROAD JABALPUR (MADHYA  
PRADESH)**

**.....PETITIONER**

***(BY SHRI GAURAV KESHARWANI - ADVOCATE)***

**AND**

- 1. NISHANT DEEPAK CHOUDHARY  
S/O DEEPAK BHARATLAL  
CHOUDHARY, AGED ABOUT 35  
YEARS, PRESENTLY RESIDING AT  
GURU GRAM HARYANA SECTOR 40  
GURGAON (HARYANA)**
- 2. DEEPAK BHARATLAL  
CHOUDHARY S/O BHARATLAL  
CHOUDHARY 544/11 NAGPUR  
URBAN COOPERTIVE HOUSING  
SOCIETY OPPOSITE BIG BAZAR  
HIVDI LAYOUT VARDHMAN  
NAGAR BHANDEPADI NAGPUR  
(MAHARASHTRA)**
- 3. SMT RAMA COUDHARY D/O  
DEEPAK BHARATLAL  
CHOUDHARY 544/11 NAGPUR  
URBAN COOPERTIVE HOUSING  
SOCIETY OPPOSITE BIG BAZAR  
HIVDI LAYOUT VARDHMAN**

NAGAR BHANDEPADI NAGPUR  
(MAHARASHTRA)

4. KU ARUNIMA CHOUDHARY D/O  
DEEPAK BHARATLAL  
CHOUDHARY 544/11 NAGPUR  
URBAN COOPERTIVE HOUSING  
SOCIETY OPPOSITE BIG BAZAR  
HIVDI LAYOUT VARDHMAN  
NAGAR BHANDEPADI NAGPUR  
(MAHARASHTRA)

....RESPONDENTS

(NONE)

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*This application coming on for admission this day, the court passed the following:*

**ORDER**

1. This application under section 482 Cr.P.C. has been filed seeking the following reliefs :-
  - i) allow this petition and direct the Learned Judicial Magistrate First Class Jabalpur MP for timely conclusion/adjudication within a period of 45 days of the M.J.C.R.No.297/2020 between the parties Smt. Deepali Choudhary Vs. Nishant Deepak Chaudhary and others, in the interest of justice.
  - ii) Any other order or direction which this Honourable Court deems fit and proper may kindly be passed.
  
2. It is submitted by counsel for the petitioner that although the law requires that the complaint filed under the provisions of the Protection of Woman from Domestic Violence Act has to be decided within a period of six months, but the matter is pending for the last four years.

3. While this Court was going through the order-sheets of the trial Court, it was found that on some dates, the lawyers were also on a strike. Why they were interested in not performing their professional duties and went on strike could not be explained by a counsel for the applicant and he merely replied that it is a different aspect.
4. Be that whatever it may be.
5. The Supreme Court in the case **High Court Bar Association, Allahabad Vs. State of U.P. and Others** decided on 29.02.2024 in **Criminal Appeal No.3589/2023** has held as under :-

“32. Therefore, constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of-turn priority to certain cases should be best left to the concerned Courts. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations.”

6. Thus, unless and until an exceptional circumstance is made out, the Constitutional Court should not direct for early disposal of the case. When the lawyers themselves were contributing towards the delay by going on a strike and when the counsel for the applicant was not in a position to justify the said act, this Court is of considered opinion that the delay, which is clearly attributable to the lawyers, cannot be made a ground to direct the trial Court to expedite the case. However, looking to the statutory mandate of law, it is directed that the trial court subject

to pendency of other cases of similar nature shall try to dispose it off as early as possible.

7. With aforesaid observation, the application is finally **disposed of**.

**(G.S. AHLUWALIA)**  
**JUDGE**

HS