

IN THE COURT OF 1st ADDITIONAL MUNSIFF,
JUDICIAL MAGISTRATE 1ST CLASS SRINAGAR.

App/U/s 2259 of 2025

Date of Institution: 25.01.2025

In the case of:

(Applicant)

Through: Mueed Ul Islam, Advocate

Versus

(Non-Applcant)

In the matter of: Application under section 173(4) of BNSS.

CORAM: Zirgham Hamid U.I.D No. JK00356

O R D E R

1. The present application is filed under Section 173(4) of BNSS, 2023, seeking directions for registration of a FIR against the non-applcant, , for offences disclosed in the complaint lodged by the applicant.
2. Applicant has filed affidavit as per the statutory requirement under BNSS, 2023.
3. Vide order dated 25.01.2025 SHO P/s Channapora was directed to submit action taken report in the matter. Same was submitted before this court. Thereafter the matter being the matrimonial dispute and

acting upon the mandate of Hon'ble Supreme Court in case titled **Lalita Kumari Vs State of U.P and ors AIR 2012 SC 1515 and Priyanka Srivastava and Anr Vs State of U.P (2015) 6 SCC 287**, this court directed SHO P/s Channapora to conduct a preliminary enquiry, same is made part of record. Submission of the I.O has also been recorded. In this case, a divorce notice with the name Talaq Ahsan has been given by the non-applicant to the applicant which though by name indicates Talaq Ahsan but careful reading of the contents reveals that it has the effect of instantaneous Talaq.

4. Section 2 (C) of the Muslim Women (Protection of Rights on Marriage) Act, 2019 defines Talaq as Talaq-e-Biddat or any other similar form of Talaq having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband.
5. Thereafter, the said Talaq/divorce notice has the effect of instantaneous and irrevocable Talaq. The punishment for Talaq in this Act is given in section (4) of the said Act and Section (7) of the said Act says that the offence committed in this section is cognizable.
6. Therefore, a careful perusal of the record i.e Action taken report filed by the police, preliminary enquiry conducted by the police, submission of the I.O recorded in the court and contents of Talaq Ahsan conjointly reveals the commission of the cognizable offence. In view of the prima facie commission of cognizable offence by the accused, SHO P/s Channapora is directed to register FIR in the matter and proceed with the investigation.
7. Application in hand needs no further adjudication and is accordingly disposed of. The file be consigned to records after its due completion.

Announced

02.06.2025

**1st Addl. Munsiff/
Judicial Magistrate 1st Class
Srinagar.**