
(2019) 07 SC CK 0171

Supreme Court Of India

Case No: Special Leave Petition (Criminal) No(S). 6005 Of 2019

Shome Nikhil Danani

APPELLANT

Vs

Tanya Banon Danani

RESPONDENT

Date of Decision: July 22, 2019

Acts Referred:

- Constitution Of India, 1950 - Article 136
- Code Of Criminal Procedure, 1973 - Section 125
- Protection Of Women From Domestic Violence Act, 2005 - Section 23

Hon'ble Judges: Dr. Dhananjaya Y. Chandrachud, J; Indira Banerjee, J

Bench: Division Bench

Advocate: Geeta Luthra, Sajay Abbat, Gaurav Kejriwal, Ankit Agarwal, Vibha Datta Makhija, Madhao Khurana, Sakshi Kakkar, Trisha, Praveen Gaur, Shakti Singh

Final Decision: Dismissed

Judgement

Having heard Ms Geeta Luthra, learned senior counsel for the petitioner and Ms Vibha Datta Makhija, learned senior counsel for the respondent, we

are of the view that the High Court of Delhi was justified in coming to the conclusion that the mere passing of an order under Section 125 of the Code

of Criminal Procedure 1973 did not preclude the respondent from seeking appropriate reliefs under the Protection of Women from Domestic Violence

Act 2005. Hence, we decline to entertain the special leave petition under Article 136 of the Constitution. The special leave petition is accordingly

dismissed.

However, we only clarify that any observations made by the High Court on the merits of the claim of the respondent under Section 23 shall not come

in the way of the appropriate court taking a view on the merits of the matter.