



2026:AHC:78239

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4251 of 2025

Damini

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sanjay Kumar Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 53

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the applicant.
2. The present application has been filed with a prayer to direct the learned Gram Nyayalayas, Karhal, Mainpuri, to decide the proceedings of Petition No. 25 of 2024 (*Damini versus Pankaj Sharma*), under Section 147 of the B.N.S.S., Police Station Karhal, District Mainpuri, expeditiously, within a stipulated period.
3. Learned counsel for the applicant has submitted that Petition No. 217 of 2018 (*Damini versus Pankaj Sharma*), under Section 125 Cr.P.C., was filed and the same was decided by Sri Rajeev Kumar Pal, Nyayadhikari, on 30.11.2024. Thereafter, the applicant filed Execution Petition No. 25 of 2024 (*Damini versus Pankaj Sharma*) under Section 147 of the B.N.S.S., 2023, before the same court, wherein the applicant has prayed that the execution petition be decided as expeditiously as possible.
4. Section 7 of the Family Courts Act, 1984 defines the jurisdiction as follows:

7. Jurisdiction.—(1) Subject to the other provisions of this Act, a Family Court shall—

(a) have and exercise all the jurisdiction exercisable by any district court or any subordinate civil court under any law for the time being in force in respect of suits and proceedings of the nature referred to in the Explanation; and

(b) be deemed, for the purposes of exercising such jurisdiction under such law, to be a district court or, as the case may be, such subordinate civil court for the area to which the jurisdiction of the Family Court extends.

Explanation.—*The suits and proceedings referred to in this subsection are suits and proceedings of the following nature, namely:—*

(a) a suit or proceeding between the parties to a marriage for a decree of nullity of marriage (declaring the marriage to be null and void or, as the case may be, annulling the marriage) or restitution of conjugal rights or judicial separation or dissolution of marriage;

(b) a suit or proceeding for a declaration as to the validity of a marriage or as to the matrimonial status of any person;

(c) a suit or proceeding between the parties to a marriage with respect to the property of the parties or of either of them;

(d) a suit or proceeding for an order or injunction in circumstance arising out of a marital relationship;

(e) a suit or proceeding for a declaration as to the legitimacy of any person;

(f) a suit or proceeding for maintenance;

(g) a suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor.

(2) Subject to the other provisions of this Act, a Family Court shall also have and exercise—

(a) the jurisdiction exercisable by a Magistrate of the first class under Chapter IX (relating to order for maintenance of wife, children and parents) of the Code of Criminal Procedure, 1973 (2 of 1974); and

(b) such other jurisdiction as may be conferred on it by any other enactment."

5. Section 12 of the Gram Nyayalayas Act, 2008, is quoted hereinbelow:

"Criminal Jurisdiction.—*(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) (corresponding B.N.S.S., 2023) or any other law for the time being in force, the Gram Nyayalaya may take cognizance of an offence on a complaint or on a police report and shall—*

(a) try all offences specified in Part I of the First Schedule; and

(b) try all offences and grant relief, if any, specified under the enactments included in Part II of that Schedule.

(2) Without prejudice to the provisions of sub-section (1), the Gram Nyayalaya shall also try all such offences or grant such relief under the State Acts which may be notified by the State Government under sub-section (3) of section 14."

6. Part II of the First Schedule, as per Sections 12 and 14 of the Act, 2008 (supra), includes clause (v), which pertains to orders for maintenance of wives, children, and parents under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) (corresponding to the B.N.S.S., 2023).

7. There are two legislations which have provided the cases relating to the maintenance of wives, children and parents. As per section 7 of Family Court Act, 1984 as well as by section 12 of Gram Nyayalayas Act, 2008 in part II of the First Schedule. Part II is as follows:

"PART II

OFFENCES AND RELIEF UNDER THE OTHER CENTRAL ACTS

(i) any offence constituted by an act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871(1 of 1871);

(ii) the Payment of Wages Act, 1936 (4 of 1936);

(iii) the Minimum Wages Act, 1948 (11 of 1948);

(iv) the Protection of Civil Rights Act, 1955 (22 of 1955);

(v) order for maintenance of wives, children and parents under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974);

(vi) the Bonded Labour System (Abolition) Act, 1976 (19 of 1976);

(vii) the Equal Remuneration Act, 1976 (25 of 1976);

(viii) the Protection of Women from Domestic Violence Act, 2005 (43 of 2005)."

8. Hence, the Gram Nyayalaya has jurisdiction to try and decide applications and cases relating to the maintenance of wives, children, and parents under Chapter IX of the Code of Criminal Procedure, 1973 (Sections 125 to 128), as well as the corresponding provisions under Chapter X of the B.N.S.S., 2023 (Sections 144 to 147).

9. In view of the aforesaid provisions of law and statutory framework, the Gram Nyayalaya has the requisite jurisdiction to decide the aforesaid

pending petition.

10. The Nyayadhikari of the Gram Nyayalaya is directed to decide the pending Execution Petition No. 25 of 2024 (*Damini versus Pankaj Sharma*), under Section 147 of the B.N.S.S., 2023, in accordance with law, as expeditiously as possible, preferably within a period of six months.

11. With the aforesaid directions and observations, the present application under Section 529 of the B.N.S.S. is hereby disposed of.

April 9, 2026
K.K. Maurya

(Abdul Shahid,J.)