

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 1248/2024
CM No. 3431/2024

Reserved On: 06.06.2024.
Pronounced On: 07.06.2024.

Prof. Abdul Gani Bhat, 81 years.
House No. 8, Pomposh Lane, Natipora,
Srinagar – 190015.

...Petitioner(s)

Through: Petitioner present in person.

Vs.

1. Mr. Gowhar Majeed Dalal, 4th Additional
Session, Judge, Srinagar.

2. Ms. X (Actual name withheld to maintain
privacy).

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.

JUDGMENT

1. One Abdul Gani Bhat, who claims to be father of one Dr. Mohammad Himayun, has filed this petition purportedly under Article 226 of the Constitution of India seeking *inter alia* quashing of maintenance proceedings filed by the respondent No. 2, the daughter-in-law of the petitioner, under Section 488 of Jammu and Kashmir Code of Criminal Procedure (now repealed) against his son aforementioned. The petitioner has also made reckless allegations against 4th Additional Sessions, Judge, Srinagar, before whom such proceedings are pending.

2. There are other irrelevant prayers made in the petition. The petitioner claims that he is contesting the maintenance proceedings pending

before the 4th Additional Session, Judge, Srinagar, on behalf of his son and holds a valid power of attorney executed by his son in his favour. The instant petition, however, has been filed by the petitioner in his own name and not for and on behalf of his son. That apart, the allegations made in the petition by the petitioner against her daughter-in-law would shock the conscious of any person of ordinary prudence. The allegations made only exhibit depraved mindset the petitioner has for woman, in particular, her daughter-in-law. He submits that his son has divorced respondent No. 2 and, therefore, the maintenance the petition is not maintainable.

3. The grievance of the petitioner is that the learned Judge before whom the proceedings are pending is not acting in the manner in which the petitioner desires him to act. He has not placed on record any order passed from the Court below from where reckless allegations made by the petitioner against the Court could be verified. However, for facility of reference and to emphasize that the petitioner is a person with a depraved mind and probably mentally sick, Paragraph 10 of the petition is set out below:-

“ Respondent No. 2 was found to be not young and virgin, but was found to an aged, barren (not fit to conceive), having already enjoyed marital or out of marital, or premarital sex, profusely, came out to be a divorcee or a deserter, or a thrown-out from her martial home/s, came out to be a psychic, arguing, fighting, disobedient, recalcitrant, morbid woman, suffering from venereal diseases, deft in woman makhar, witchcraft, seduction, having stealing habits, came out to be a honey trapper, a marriage professional.”

4. There are so many other allegations in the petition which are utterly obnoxious and made in extremely bad taste. The petitioner has no sense of decency and is not aware as to how the pleadings in the Court are required to be filed. It also needs to be taken note of that the writ petitioner is habitual litigant and have been filing petition after petition some on behalf of his son to settle score with his daughter-in-law and some raising other disputes with his ex-employer etc.

5. In many cases which are pending or disposed of by this Court the petitioner has openly shown his lack of trust in almost every judge of this Court. The petitioner has virtually become a cancer for the judicial system and by his nuisance is harassing the judges at all levels. Without going much into details of his nefarious activities, the petitioner has been continuously indulging in before the various Courts, suffice it to say, that this petition for challenging the maintenance proceedings under Section 488 Cr. P.C. filed by the petitioner's daughter-in-law against his son are not maintainable at the instance of the petitioner. Even if the petitioner may be attorney holder of his son, he cannot file petition in his own name. The language used in the petition is demeaning of a woman and is totally unacceptable in any civilized society. I am of the prima facie opinion that the petitioner needs psychiatric help or treatment so that his unchecked indulgence in abusing the process of law is stopped.

6. This petition is found to be utterly misconceived, without locus of the petitioner and aimed at harassing the Presiding Officer of 4th Additional Sessions, Court, Srinagar, and, therefore, deserves to be dismissed at the threshold. However, the petitioner cannot be left to go scot-free as that would only encourage the petitioner to indulge in misadventures more

vigorously aimed at harassing the Judicial Officers. This petition is, accordingly, dismissed, with an exemplary costs of Rs. 1,00,000/- (Rupees One Lakh Only) to be deposited by the petitioner in the Litigants' Welfare Fund within a period of four weeks. In case the petitioner fails to comply with the direction to deposit the costs, the Registrar Judicial of this Court shall, after expiry of four weeks, frame a Robkar and place it before the Court for further orders.

SRINAGAR:
07.06.2024
"Mir Arif"



(SANJEEV KUMAR)
JUDGE

(i) Whether the Judgment is reportable? Yes/No