

In the High Court of Punjab and Haryana at Chandigarh

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2023 : PHHC : 072914

CRM-M-4866 of 2023

Date of Decision: 19.05.2023

Urmila Sangwan and another

---Petitioners

versus

Jitender Paul alias Jitender Poonia

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate
for the petitioners

Mr. Suneet Kumar, Advocate
for the respondent

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through the instant petition under Section 482 Cr.P.C. is seeking setting aside of order dated 13.01.2023 whereby Additional Sessions Judge, Hisar has allowed appeal and set aside order dated 07.06.2022 passed by JMIC, Hisar in case No. DV 26 of 2020 dated 05.02.2020.

2. This Court in **Jaspal Kaur alias Pinki and others vs. State of Punjab and another, CRM-M- 19553 of 2023** decided on **24.04.2023**, relying upon judgments of Hon'ble Supreme Court in *Kamatchi vs. Lakshmi Narayan 2022 SCC online SC 446* and *Kunappareddy vs. Kunappareddy Swarna Kumari (2016) 11 SCC 774* and Full Bench of Madras High Court in *Arul Daniel and others*

vs. Suganya 2022 SCC online Mad 5435 has held:

- i) Proceedings under Section 12 of DV Act are civil in nature.
- ii) An aggrieved person has right to move an application before Magistrate seeking recalling of notice issued under Section 13 of DV Act or deletion of his/her name from the array of respondents;
- iii) Petition under Section 482 Cr.P.C. is not maintainable against petition under Section 12 or notice under Section 13 of DV Act;
- iv) An order passed by Magistrate is an appealable order under Section 29 of DV Act;
- v) No revision under Cr.P.C. is maintainable against order passed by Sessions Court as Appellate Court.

3. In view of order dated 24.4.2023 passed by this Court in CRM-M-19553 of 2023, present petition is not maintainable and accordingly disposed of with liberty to the petitioners to avail remedy as permissible by law.

4. Disposed of with liberty as aforesaid.

5. Learned counsel for the petitioners submits that vide order dated 06.02.2023 passed by this Court, trial court was directed not to dismiss complaint of the petitioner and the said order may please be extended for three weeks so that petitioners may avail remedy as permissible by law.

6. Order dated 06.02.2023 passed by this court is

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extended for three weeks.

(JAGMOHAN BANSAL)
JUDGE

19.05.2023
paramjit

Whether speaking/reasoned : Yes
Whether reportable : Yes/No