

CRM-M-5107-2023

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

205+1

CRM-M-5107-2023

Date of Decision: 05.05.2023

Harpreet Kaur and Another

...Petitioners

Versus

Gaganpreet Kaur Uppal

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vineet Sachdeva, Advocate with
Mr. Rahul Arora, Advocate for the petitioner
Mr. Nikhil Kumar, Advocate for the respondent

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') are seeking quashing of complaint bearing COMA No.21 dated 03.07.2020 (Annexure P-7) which has been filed by respondent under Section 12 of Protection of Women from Domestic Violence Act, 2005 (for short 'DV Act') and is pending before Sub-Divisional Judicial Magistrate, Phillaur.

2. This Court in *Jaspal Kaur alias Pinki and Others Vs. State of Punjab and Another*, CRM-M-19553-2023 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 24.04.2023 passed by this Court in *CRM-M-19553-2023*, the present petition is not maintainable and accordingly disposed of with liberty to the petitioners to avail remedy as permissible by law.

Disposed of with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

05.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>