

CRM-M-5776-2020

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

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CRM-M-5776-2020

Date of Decision: 04.05.2023

Harbans Lal And Others

...Petitioners

Versus

Poonam Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Jasneet Mehra, Advocate for
Mr. L.M. Gulati, Advocate for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking quashing of complaint case No.COMA-534/2018 dated 18.10.2018 titled as '*Poonam Rani Versus Harbans Lal etc.*' which has been filed by respondent under Section 12 read with Sections 17, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act, 2005 (for short 'DV Act') and is pending before Judicial Magistrate 1st Class, Amritsar and all consequential proceedings arising therefrom.

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

04.05.2023
Mohit Kumar

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