

In the High Court of Punjab and Haryana at Chandigarh

116

2023 : PHHC : 063985

CRM-M-13254 of 2018(O&M)

Date of Decision: 04.05.2023

Dewan Singh Khaira

---Petitioner

versus

Balbir Kaur

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. A.S.Gill, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through the instant petition under Section 482 Cr.P.C. is seeking setting aside of order dated 3.10.2016 whereby JMIC, Nakodar has rejected application of the petitioner for dismissal of complaint filed by respondent under Sections 12, 18 to 20 and 22 of Protection of Women from Domestic Violence Act, 2005 and order dated 10.01.2018 whereby Additional Sessions Judge, Jalandhar has affirmed the order passed by JMIC, Nakodar.

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*

2023 : PHHC : 063985

CRM-M-13254 of 2018(O&M)

-2-

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 petitioner to avail remedy as permissible by law.

4. Disposed of with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

04.05.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No