

In the High Court of Punjab and Haryana at Chandigarh

2023 : PHHC : 059371

CRR- 583 of 2023

Date of Decision: 26.04.2023

Harjinder Pal Singh

---Petitioner

versus

Satwinder Kaur and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Kashish Sahni, Advocate for
for Ms. Kanika Ahuja, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through the instant petition is seeking setting aside of order dated 18.01.2023 whereby Appellate Court has dismissed appeal filed by the petitioner and affirmed order dated 13.07.2017 passed by CJM, Chandigarh in terms of Sections 12 of Protection of Women from Domestic Violence Act, 2005 (for short “DV Act”).

2. Mr. Chander Pal, Advocate, filed Power of Attorney on behalf of respondents No. 1 and 2. The same is taken on record. Registry is directed to tag the same at an appropriate place.

3. The order dated 13.07.2017 was passed by Magistrate in terms of Section 12 of Protection of Women from Domestic Violence Act, 2005 (for short “DV Act”).

The petitioner preferred an appeal before Appellate Court in terms of Section 29 of DV Act which came to be dismissed. The

petitioner is assailing orders passed by Appellate Court as well as Magistrate.

4. 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 that remedy of revision under Section 397/401 Cr.P.C. is not available against order passed by Appellate Court under Section 29 of DV Act.

5. 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.

6. Disposed of with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

26.4.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No