

240

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

CRM-M-19633-2018

Date of Decision:01.05.2023

HARPREET KAUR AND ORS

..... Petitioners

*Versus***HARPREET SINGH**

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Amit Thakur, Advocate for
Ms. Promila Nain, Advocate
for the petitioners.

JAGMOHAN BANSAL, J. (Oral)

1. Through instant petition, the petitioners are seeking setting aside of order dated 30.09.2015 passed by learned Sub-Divisional Judicial Magistrate, samrala whereby interim maintenance under Section 12 read with Section 23 of Protection of Women From Domestic Violence Act, 2005 (for short 'DV Act') was granted and order dated 24.11.2017 whereby Additional Sessions Judge Ludhiana has dismissed the revision petition of the petitioners.

2. This Court vide order dated 24.04.2023 in “Jaspal Kaur @ Pinki and others vs. State of Punjab and another” in CRM-M-19553-2023 relying upon the judgments of Hon'ble Supreme Court in **“Kamatchi Vs. Lakshmi Narayanan” 2022 SCC Online SC 446,** **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 proceedings under Section 12 of DV Act are civil in nature, thus, petition under Section 482 Cr.P.C. is not maintainable against the petition under Section 12 of DV Act and notice under Section 13 of DV Act. It has been further held that revision under Section 397 Cr.P.C, is not maintainable against order of Appellate Court i.e. Sessions Court. Remedy of appeal under Section 29 of DV Act is available against order passed by Magistrate.

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.

(JAGMOHAN BANSAL)
JUDGE

01.05.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No