

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

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CRM-M-20335-2023

Date of Decision : 26.04.2023

Dr. Neelam Verma

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Sandeep Sharma, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through the instant petition is seeking setting aside of order dated 31.01.2023 whereby JMIC, Gurugram has dismissed application seeking interim relief of residence which was sought in terms of Section 23 of Protection of Women from Domestic Violence Act, 2005 (for short "DV Act").

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. The impugned order is appealable under Section 29 of DV Act,

however, petitioner has not preferred appeal against impugned order.

3. In view of order dated 24.4.2023 passed by this Court in CRM-M-19553 of 2023 and remedy of appeal under Section 29 of DV Act 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

26.04.2023
anju

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