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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42052-2018 (O&M)
Date of Decision:29.04.2023

NIRMAL SINGH AND ANR

..... Petitioners

Versus

HARLEEN KAUR AND ANR

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. R.D. Bawa, Advocate and
Mr. Dipanshu Kapur, Advocate
for the petitioners.

Mr. Nitin Sachdeva, Advocate and
Mr. Ankur Ghai, Advcoate
for respondent No.1.

Mr. Samrit Gill, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition are quashing of petition No.COMI 10387-18 (Annexure P-6) dated 31.07.2018 under Sections 12, 17, 18, 19, 20, 21 and 22 of Protection of Women From Domestic Violence Act, 2005 (for short 'DV Act') which is pending before Judicial Magistrate First Class, Ludhiana and interim order dated 01.08.2018 (Annexure P-7) passed by Magistrate.

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 further 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.
5. Pending application, if any, shall stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

29.04.2023

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