

**In the High Court of Punjab and Haryana at Chandigarh
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2023:PHHC:064046

CRR-757 of 2015 (O&M)

Date of Decision: 04.05.2023

Baljeet Singh

---Petitioner

versus

State of Haryana and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashit Malik, Advocate
for the petitioner

Ms. Dimple Jain, DAG, Haryana

Mr. Harish Bhardwaj, Advocate
for respondent No. 2

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through the instant petition under Section 482 Cr.P.C. is seeking setting aside of judgment dated 09.02.2015 whereby Additional Sessions Judge, Sonapat, allowed appeal of the respondent under Protection of Women from Domestic Violence Act, 2005 for providing residence to the respondent.

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*

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774 and Full Bench of Madras High Court in *Arul Daniel and others 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 remedies as pointed out in aforesaid order and permissible by law.

4. Disposed of with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

04.05.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No