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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33636-2022

Date of Decision:09.05.2023

NARINDER PAUL KUMAR AND ANOTHER Petitioners

Versus

HARDEEP KAUR Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Shilesh Gupta, Advocate for the petitioners.

Mr. J.S. Toor, Advocate for the respondent.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Section 482 Cr.P.C. are seeking quashing of Complaint No. COMA/54/2020 dated 07.09.2020 (Annexure P-1) titled as Hardeep Kaur vs. Vishal Kumar and others which has been filed under Section 12 of Protection of Women from Domestic Violence Act, 2005 (for short 'DV Act') before the Judicial Magistrate 1st Class, Moga.

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 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 remedy as permissible by law.

4. Disposed of with liberty as aforesaid.

5. Learned counsel for the petitioner submits that proceedings before Trial Court were stayed by this Court vide order dated 16.08.2022 and said order is still operative, thus, interim order dated 16.08.2022 may be extended for three more weeks from today so that petitioner may avail remedy as permissible by law.

6. The proceedings before Trial Court shall remain stayed for three weeks from today.

(JAGMOHAN BANSAL)
JUDGE

09.05.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>