

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

235

CRM-M-53135-2021

Date of Decision : 24.05.2023

Parveen Kumar

..... Petitioner

Versus

Kulwant Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : None.

JAGMOHAN BANSAL, J. (Oral)

1. Instant petition has been filed under Section 407 of the Code of Criminal Procedure, 1973 seeking transfer of the complaint No.COMA 14535 of 2021 under Section 12 read with Sections 17, 18, 19, 22, 24 and 31 of the Protection of Women from Domestic Violence Act, 2005.

2. There is no representation on behalf of the petitioner on 18.04.2022 and even today there is no representation on his behalf.

3. This Court is left with no other option except to adjudicate the present petition on the basis of record.

4. 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.

5. 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.

6. Disposed of with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

24.05.2023
anju

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