

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

CRM-M-1333-2020

Date of Decision:15.05.2023

Gulzar Singh and another

..... Petitioner

Versus

Kinder Rani

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. A.P. Chaudhary, Advocate for the petitioner.

 Mr. Arav Gupta, Advocate for the respondent.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of the impugned complaint COMA No. 8/2017 dated 01.03.2017 instituted by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and the order dated 01.03.2017 passed by learned CJJD-cum-Judicial Magistrate Ist Classs, Jalalabad (W).

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.

(JAGMOHAN BANSAL)
JUDGE

15.05.2023
harish kumar

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