

CRM-M-4562-2022
Date of decision: 06.08.2024

...PETITIONER

V/S

...RESPONDENT

Present: Mr. Jagdish Manchanda, Advocate
for the petitioner.

Mr. Ritesh Pandey, Advocate
for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of notices dated 07.12.2021 of execution proceedings vide Annexure P-3, order dated 13.01.2020 (Annexure P-2) passed by learned Additional Sessions Judge, Gurdaspur as well as for quashing of order dated 10.10.2018 (Annexure P-1) passed by learned Chief Judicial Magistrate, Gurdaspur.

2. Mr. Ritesh Pandey, Advocate has put in appearance on behalf of the respondent and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place.

3. In view of the settled law pronounced by the Hon'ble Supreme Court in *Kunappareddy Vs. Kunappareddy Swarna Kumari (2016) 11 SCC 774*, Full Bench of Madras High Court in *Arul Daniel and others Vs. Suganya, 2022 SCC Online Mad 5435* and by the Co-ordinate Bench of this Court in *Jaspal Kaur alias Pinki and others Vs. State of Punjab and others* in

CRM-M-19553-2023 decided on 24.04.2023, the provisions of the Code of

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Criminal Procedure, 1973 cannot be invoked to challenge proceedings emerging out of Protection of Women against Domestic Violence, 2005.

4. In view of the above, learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to invoke alternative appropriate remedy on the same cause of action in accordance with law for redressal of grievances raised in the present petition.

5. Dismissed as withdrawn with liberty as prayed for.

6. Litigation expenses deposited in the present case, be released in favour of the respondent. Learned counsel for the respondent submits that in case, the petitioner files a fresh petition on the same cause of action, the petitioner would not pay litigation expenses.

Registry is directed to do the needful under proper receipt and identification.

August 06, 2024

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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No