

2024:PHHC:037878

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

120

**CRM-M-4848-2024 (O&M)
Date of Decision: 15.03.2024**

BINDU

...Petitioner

Versus

MANDEEP KUMAR AND ORS

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Aman Priye Jain, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') is for setting aside the judgment and order dated 04.10.2023 passed by the Additional Sessions Judge, Sirsa, who has accepted the appeal of the respondent No.1 against the order dated 23.11.2022 passed by the Sub Divisional Judicial Magistrate, Dabwali, where the respondent No.1 was directed to pay compensation to the tune of Rs.2 lacs to the petitioner in a petition filed under Protection of Women from Domestic Violence Act, 2005.

2. While accepting the appeal, the order of the compensation as awarded by the Sub-Divisional Judicial Magistrate, Dabwali on 23.11.2022 has been set aside. The said order is monetary in nature and no such order was passed by the Magistrate which is "criminal in nature".

3. Keeping in view the facts and circumstances of the case and the challenge which has been made under Section 482 of the Code and in view of the decision of this Court, in **CRM-M-58023-2023**, titled **Gautam Singal vs. Anju**

Singal, decided on 30.11.2023, the present petition is not maintainable under Section 482 of the Code.

- 4. In view of the above, the present petition is dismissed being not maintainable under Section 482 of the Code and liberty is granted to the petitioner to avail remedy as per law.
- 5. Dismissed as withdrawn with the aforesaid liberty.
- 6. All pending miscellaneous application(s), if any, stands disposed of.

**(HARPREET KAUR JEEWAN)
JUDGE**

15.03.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No