



218 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-3786-2019 (O&M)
Date of Decision: 09.05.2024

ANITA GUPTA

...Petitioner

V/S

ARUN GUPTA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Satish Kumar, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 482 of Cr.P.C. seeking setting aside/modification of the order dated 05.06.2018 i.e. Annexure P-4 passed by learned Chief Judicial Magistrate, Kaithal to the extent whereby learned CJM, Kaithal restricted the grant of maintenance awarded under Sections 12, 18, 19, 20, 21, 22 of the Protection of Women from Domestic Violence Act 2015 (hereinafter to be referred as 'The Act') from the date of order i.e. 18.12.2014 instead of from the date of filing of the application under 'The Act'.

2. 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 Criminal Procedure, 1973 cannot be invoked to challenge proceedings emerging out of

3. Faced with this situation, learned counsel for the petitioner 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.
4. Dismissed as withdrawn with liberty aforesaid.

09.05.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No