

238/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:049169

CRM-M-5381-2019

Date of Decision: 10.04.2024

NARENDER BHUTANI

...Petitioner

Vs.

ANJALI BHUTANI

...Respondent

CORAM:- HON'BLE MRS. JUSTICE NIDHI GUPTA

Present: Mr. Munish Kumar Garg, Advocate for the petitioner.
 Mr. Shvetanshu Goel, Advocate for the respondent.

NIDHI GUPTA, J. (Oral)

1. The present petition has been filed under section 482 Cr.P.C. for quashing judgment dated 17.11.2018 passed by the Learned Additional Sessions Judge, Karnal (the Appellate Court- below) vide which the Criminal Appeal no.98 of 2017 filed by the Petitioner-husband was dismissed and the Criminal Appeal no.97 of 2017 filed by the Respondent no.1-wife under the Protection of Women from Domestic Violence Act, 2005 was partly allowed.

2. As per the judgment of the Hon'ble Supreme Court of India in **Kamatchi Vs. Lakshmi Narayanan, 2022 SCC Online SC 446** as well as the Coordinate Bench of this Court in **CRM-M-19553-2023 Jaspal Kaur alias Pinki and others Vs. State of Punjab and another decided on 24.04.2023**, it has been very clearly held that proceedings emanating from Protection of Women from Domestic Violence Act, 2005, are not maintainable before this Court. Counsel for the parties admit the said legal position to be true.

3. In view of the above, learned counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to avail appropriate remedy as per law.

4. Learned counsel further states that execution proceedings are pending before the Executing Court for 17.04.2024 in which warrants have been issued against the petitioner and his property is liable to be attached on the next date of hearing.

5. Learned counsel for the petitioner refers to the order dated 17.11.2018 (Annexure P-1) page 102 wherein it has been mentioned that the respondent/wife had left the matrimonial home on her own accord on 25.03.2013 without any reason. Per contra, learned counsel for the respondent has referred to the finding at page 94 of the paper-book wherein it has been recorded that respondent had placed on record Ex. R-13 & R-14, which are the applications made by the respondent to the police seeking help to enter her own matrimonial home.

6. Be that as it may, in view of the above, the present petition is dismissed as having been withdrawn with liberty to the petitioner to avail appropriate remedy, in accordance with law, within a period of four weeks, on the receipt of certified copy of this order. In the meantime, learned Executing Court is directed to adjourn the matter on the next date of hearing only (which is stated to be 17.04.2024) for a period of 04 weeks only. It is made clear that no stay shall subsist in favour of the petitioner beyond this period.

7. Pending applications, if any, shall stand disposed of.

(NIDHI GUPTA)
(JUDGE)

10.04.2024

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