

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR-291-2024 (O&M)
Date of Decision: 02.08.2024

Ashok Kumar Petitioner

Versus

Kavita Respondent

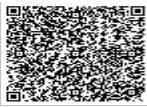
CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Raj Kumar Bhatia, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

Challenge in the present revision petition is to order dated 15.01.2024 in COMA/30/2022 titled as '*Kavita vs. Ashok Kumar*' whereby learned Judicial Magistrate 1st Class, Sonapat has closed the right to file written reply by the petitioner-husband in interim maintenance application and the respondent-wife has been granted fixed interim maintenance of Rs.5,000/- p.m. from the date of application.

At the very outset, learned counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to take recourse to the appropriate remedy within a period of four weeks from today, in accordance with law, in view of judgment dated 24.04.2023 passed by a co-ordinate Bench of this Court in *CRM-M-19553-2023* titled as '*Jaspal Kaur alias Pinki and others vs. State of Punjab and another*', wherein it has been held that '*the proceedings under Section 12 of the DV Act are civil in nature, therefore, a petition*



under Section 482 Cr.P.C. or revision under Section 397 Cr.P.C., assailing the order passed in complaint filed under the provisions of DV Act are not maintainable’.

In view of the above, the present petition is dismissed as withdrawn, with the liberty aforesaid.

Pending application, if any, stands disposed of.

02.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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