



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-387-2023 (O&M)
Date of Decision: 22.08.2024

Shikha Chauhan Petitioner

Versus

Saurabh Kumar Singh Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Vinod Kumar, Advocate for
Mr. Rajesh Lamba, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

Challenge in the present petition is to order dated 20.01.2023 passed by learned Additional Sessions Judge, Gurugram in CIS No. CRA-327-2022 titled as ‘Saurabh Kumar Singh vs. Shikha Chauhan’ whereby appeal filed against the order dated 30.09.2022 passed by learned Judicial Magistrate 1st Class, Gurugram in application under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 by the respondent-husband has been allowed.

On 10.02.2023, when this case was listed for hearing, following order was passed by a Coordinate Bench of this Court:-

“Learned counsel for the petitioner, after arguing for a while, does not press the present petition, however, he submits that the dispute is at the initial stage only and the possibility of an amicable solution can be explored between



the parties. Both the parties are well-educated and well settled in their life and better sense may prevail and parties can explore an amicable solution which can be worked out.

*Only for the purpose of above, let notice be issued to respondent for **11.04.2023** and in case, he consents for the same, then the matter be considered to be sent to the Mediation and Conciliation Centre.”*

As per office report, respondent stands served through his sister. However, none has put in appearance on behalf of the respondent on the last date of hearing i.e. 09.05.2023. Even today also, none has put in appearance on behalf of the respondent.

The present matter emanates from the proceedings under Sections 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 and, therefore, is not maintainable.

Reference is to 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, learned proxy counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to take recourse to the appropriate remedy, in accordance with law within a period of four weeks from today.



Dismissed as withdrawn, with the liberty aforesaid.

Pending application, if any, stands disposed of.

22.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE